Supreme Court, U.S.
FILED
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No. 90-857

In The

Supreme Court of the United States

October Term, 1991

MARC GILBERT DOGGETT,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

On Writ Of Certiorari To The United States Court Of Appeals For The Eleventh Circuit

JOINT APPENDIX

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Petition For Certiorari Filed November 30, 1990
Certiorari Granted February 25, 1991

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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA

vs.

MARC GILBERT DOGGETT,
LUIS EDWARDO
ORTIZ-CRISTONCHO

Case No.
80-11-Cr-J-16

CHRONOLOGICAL LIST OF
RELEVANT DOCKET ENTRIES

Feb. 22, 1980 – Indictment returned at Jacksonville, Florida.

Feb. 22, 1980 – Motion and Order for capias.

Feb. 22, 1980 – Warrant for arrest of defendant issued.

Sept. 9, 1988 – Notice setting arraignment for Tuesday, September 10, 1988 at 10:30 a.m. in Courtroom #6, Third Floor, Jacksonville. (Parties notified).

Sept. 14, 1988 – Return on warrant for arrest of defendant executed September 5, 1988, by United States Marshal.

Sept. 20, 1988 – Record of Hearing: Arraignment.

Sept. 28, 1988 – Motion to continue trial, status and discovery hearings and incorporated memorandum, by Government.

Oct. 11, 1988 – Motion to dismiss for sixth amendment speedy trial violation, by defendant.

Oct. 11, 1988 – Memorandum in support of motion to dismiss for sixth amendment speedy trial violation, by defendant.

Oct. 19, 1988 – Memorandum in Opposition to defendant Doggett's motion to dismiss for sixth amendment speedy trial violation, by United States.

Oct. 24, 1988 – Supplemental memorandum in support of motion to dismiss, by defendant.

Oct. 27, 1988 – Amendment to supplemental memorandum in support of motion to dismiss, by defendant.

Nov. 15, 1988 – Second supplemental memorandum in support of Doggett's motion to dismiss for sixth amendment speedy trial violation, by defendant.

Nov. 21, 1988 – (Joint) motion for continuance.

Nov. 21, 1988 – Record of hearing: Motions to dismiss.

Dec. 8, 1988 – Motion for continuance of motion to dismiss hearing and trial, by United States.

Dec. 14, 1988 – Record of hearing: Motion to Dismiss.

Dec. 19, 1988 – Third supplemental memorandum in support of defendant's motion to dismiss for sixth amendment speedy trial violation, by defendant.

Dec. 19, 1988 – Post-hearing memorandum in opposition to defendant's motions to dismiss, by Government.

Dec. 27, 1988 – Report and recommendation that the motions to dismiss be denied.

Jan. 6, 1989 – Objections to magistrate's report and recommendations and request for oral argument, by defendant.

Jan. 17, 1989 – Memorandum in opposition to defendant Doggett's objections to the magistrate's report and recommendation, by United States.

Jan. 31, 1989 – Order. Defendant's motions to dismiss the indictment for violation of the sixth amendment right to speedy trial are denied.

Feb. 6, 1989 – Record of hearing: Change of plea.

Mar. 31, 1989 – Record of hearing: Sentencing.

Mar. 31, 1989 – Judgment and probation/commitment order.

Apr. 3, 1989 – Notice of appeal (of judgment), by defendant.

Sept. 26, 1990 – Judgment from USCA that it is ordered and adjudged by this local court that the judgment of conviction of the said District Court in this cause be and the same is hereby affirmed. Issued as mandate 9/24/90.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA	No. 80-11-CR-J-JHM (21 USC 963, 952(a), 960) (15 yrs./$25,000/Both, Special Parole Term: 3 yrs. to life) (21 USC 846, 841(a)(1)) 15 hrs./$25,000/Both, Special Parole Term: 3 yrs. to life) (21 USC 843(b)) (4 yrs./$30,000/Both)
vs.	
WILLIAM F. BARNES	
LUIS EDWARDS ORTIZ-CRISTONCHO	
MARC GILBERT DOGGETT	
FABIO MORENO	
JANE DOE, a/k/a/ Maria Moreno	
LILLIAN ORTIZ-RAMIREZ	
ALLEN LEE RIDDLE	
DIEGO ALBERTO VALENCIA-VASQUEZ	

INDICTMENT

The Grand Jury charges:

COUNT ONE

In or about August, 1979, and continuously thereafter up to and including the first day of January, 1980, in the Middle District of Florida and elsewhere,

WILLIAM F. BARNES
LUIS EDWARDO ORTIZ-CRISTONCHO
MARC GILBERT DOGGETT
FABIO MORENO
JANE DOE,
a/k/a Maria Moreno
LILLIAN ORTIZ-RAMIREZ
ALLEN LEE RIDDLE
DIEGO ALBERTO VALENCIA-VASQUEZ

the defendants herein, willfully, knowingly, intentionally and unlawfully did combine, conspire, confederate and agree with each other, and with divers other persons whose names are known and unknown to the Grand Jury, to knowingly, unlawfully, willfully and intentionally import into the United States a quantity of cocaine, a Schedule II controlled substance under Title 21, United States Code, Section 812(c), in violation of Title 21, United States Code, Sections 952(a) and 960.

OVERT ACTS

In furtherance of the aforesaid conspiracy and to effect the objects thereof, the following overt acts, among others, were committed in the Middle District of Florida and elsewhere:

1. In or about August, 1979, Fabio Moreno and Diego Alberto Valencia-Vasquez met with Ivan Cifuentes, a cooperating individual, in Bogota, Columbia.

2. In or about August, 1979, Fabio Moreno and Lillian Ortiz-Ramirez met with Ivan Cifuentes, a cooperating individual, in Bogota, Colombia.

3. In or about September, 1979, Allen Lee Riddle and Marc Gilbert Doggett met with Ivan Cifuentes, a cooperating individual, in Jacksonville, Florida.

4. On or about November 17, 1979, at approximately 3:00 P.M., Marc Doggett had a telephone conversation with Ivan Cifuentes, a cooperating individual, concerning the availability of a quantity of cocaine provided by Fabio Moreno.

5. On or about November 20, 1979, at approximately 7:00 P.M., Fabio Moreno had a telephone conversation with Ivan Cifuentes, a cooperating individual, concerning cocaine provided by Fabio Moreno and a trip to North Carolina regarding same.

6. On or about November 21, 1979, at approximately 12:30 P.M., Marc Doggett had a telephone conversation with Ivan Cifuentes, a cooperating individual, concerning cocaine provided by Fabio Moreno and the collection from Doggett of $14,000.00 Doggett owed Fabio Moreno for the last 200 grams Moreno sent Doggett.

7. On or about November 22, 1979, Fabio Moreno had a telephone conversation with Ivan Cifuentes, a cooperating individual, concerning cocaine provided by Fabio Moreno and the collection of a sum of money owed by Marc Doggett to Fabio Moreno and to bring it to Nassau, Bahamas.

8. On or about November 22, 1979, at approximately 1:30 A.M., Marc Doggett had a telephone conversation with Ivan Cifuentes, and advised Cifuentes that he had 5 grams of cocaine provided by Fabio Moreno for Cifuentes.

9. On or about November 24, 1979, at approximately 12:15 P.M., Marc Doggett met in Raleigh, North Carolina, with Ivan Cifuentes, a cooperating individual, and Drug Enforcement Special Agent Douglas Driver, who was acting in an undercover capacity, and delivered 5.7 grams of cocaine provided by Fabio Moreno to Agent Driver and Ivan Cifuentes, and $6,800.00 in United States currency for delivery to Fabio Moreno.

10. On or about November 26, 1979, at approximately 11:30 A.M., Fabio Moreno and Luis Edwardo Ortiz-Cristoncho met with Special Agent Driver who was acting in an undercover capacity and Ivan Cifuentes, a cooperating individual, in Nassau, Bahamas, and had a conversation concerning the availability of a quantity of cocaine to be provided by Fabio Moreno and arranging for Agent Driver and Ivan Cifuentes to receive a sample of same.

11. On or about December 3, 1979, at approximately 12:00 midnight, Jane Doe, a/k/a Maria Moreno, while in Bogota, Colombia, had a telephone conversation with Ivan Cifuentes, a cooperating individual, who was in Jacksonville, Florida, concerning the receipt of a sum of money and the delivery of cocaine provided by Fabio Moreno.

12. On or about December 9, 1979, at approximately 1:30 A.M., Fabio Moreno, while in Bogota, Colombia, had a telephone conversation with Ivan Cifuentes, a cooperating individual, in Jacksonville, Florida, concerning cocaine Fabio Moreno would have delivered in Miami, Florida.

13. On or about December 22, 1979, at approximately 1:30 A.M. Fabio Moreno, while in Bogota, Colombia, had a telephone conversation with Ivan Cifuentes, a cooperating individual, in Jacksonville, Florida, advising Cifuentes that Moreno would be sending something up on Monday, December 24, 1979, and that it would be either Diego Alberto Valencia-Vasquez or Lillian Ortiz-Ramirez. Further, that the people in North Carolina now owed him $6,700.00.

14. On or about December 23, 1979, at approximately 8:00 P.M., Jane Doe, a/k/a Maria Moreno, while in Bogota, Columbia, had a telephone conversation with Ivan Cifuentes, a cooperating individual, in Jacksonville, Florida, concerning Lillian Ortiz-Ramirez' arrival in Miami, Florida, on December 24, 1979, with a quantity of cocaine provided by Fabio Moreno and the collection of a sum of money.

15. On or about December 23, 1979, Jane Doe, a/k/a Maria Moreno, at Bogota, Colombia, delivered to Lillian Ortiz-Ramirez approximately 227 grams (gross) of cocaine.

16. On or about December 24, 1979, at approximately 5:00 A.M., Jane Doe, a/k/a Maria Moreno, while in Bogota, Colombia, had a telephone conversation with Ivan Cifuentes, a cooperating individual, in Jacksonville, Florida, concerning Lillian Ortiz-Ramirez' scheduled arrival in Miami, Florida, on December 24, 1979, with a quantity of cocaine provided by Fabio Moreno.

17. On or about December 24, 1979, Lillian Ortiz-Ramirez flew from Bogota, Colombia, to Miami, Florida, and was in possession of approximately 227 grams of cocaine provided by Fabio Moreno.

18. On or about December 24, 1979, William F. Barnes, met in Miami, Florida, with Ivan Cifuentes, a cooperating individual, and Special Agent Douglas Driver who was acting in an undercover capacity, concerning the expected arrival of Lillian Ortiz-Ramirez in Miami with a quantity of cocaine provided by Fabio Moreno and the purchase by William F. Barnes of a portion thereof.

19. Or or about December 24, 1979, William F. Barnes met in Miami, Florida, with Special Agent Douglas Driver, who was acting in an undercover capacity, and Ivan Cifuentes, a cooperating individual, and delivered to Agent Driver the sum of $1,000.00 for the purchase of a quantity of cocaine.

20. On or about December 24, 1979, Allen Lee Riddle had a telephone conversation with Ivan Cifuentes, a cooperating individual, concerning the whereabouts of Lillian Ortiz-Ramirez and the cocaine she was expected to deliver.

21. On or about December 24, 1979, Luis Edwardo Ortiz-Cristoncho had a telephone conversation with Ivan Cifuentes, a cooperating individual, concerning the whereabouts of Lillian Ortiz-Ramirez.

22. On or about December 30, 1979, at approximately 5:45 P.M., Allen Lee Riddle had a telephone conversation with Ivan Cifuentes, a cooperating individual, inquiring about the whereabouts of Lillian Ortiz-Ramirez and his need for the cocaine she was expected to have delivered.

All in violation of Title 21, United States Code, Section 963.

COUNT TWO

In or about August, 1979, and continuously thereafter up to and including the first day of January, 1980, in the Middle District of Florida elsewhere, the defendants

WILLIAM F. BARNES
LUIS EDWARDO ORTIZ-CRISTONCHO
MARC GILBERT DOGGETT
FABIO MORENO
JANE DOE,
a/k/a Maria Moreno
ALLEN LEE RIDDLE
DIEGO ALBERTO VALENCIA-VASQUEZ

did unlawfully, knowingly, willfully and intentionally combine, conspire, confederate and agree with each other and divers other persons known and unknown to the Grand Jury, to unlawfully, knowingly, willfully and intentionally possess with intent to distribute cocaine, a Schedule II controlled substance under Title 21, United States Code, Section 812(c), in violation of Title 21, United States Code, Section 841(a)(1).

OVERT ACTS

In furtherance of the aforesaid conspiracy and to effect the objects thereof, the overt acts, among others, set forth in Count One, which are hereby incorporated here by reference, were committed in the Middle District of Florida and elsewhere.

All in violation of Title 21, United States Code, Section 846.

COUNT THREE

On or about December 30, 1979, in the Middle District of Florida and elsewhere,

ALLEN LEE RIDDLE

knowingly and intentionally did use a communication facility, that is, a telephone, in facilitating the commission of the conspiracy in Count One and the conspiracy set forth in Count Two, each of which are incorporated herein by reference, in that Allen Lee Riddle called the Jacksonville telephone number of Ivan Cifuentes, a cooperating individual, and inquired about the whereabouts of Lillian Ortiz-Ramirez and communicated the need of Allen Lee Riddle for the cocaine Lillian Ortiz-Ramirez was expected to have delivered, in violation of Title 21, United States Code, Section 843(b).

A TRUE BILL

/s/ _____

GARY L. BETZ
United States Attorney

/s/ _____
BERNARD S. McLENDON
Assistant United States Attorney
Middle District of Florida
Post Office Box 600
Jacksonville, Florida 32202
904/791-2683

**TESTIMONY OF DOUGLAS L. DRIVER,
RALPH D. CARR AND DELORES DOGGETT**

Filed December 14, 1988

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA,

vs. Case No. 80-11-Cr-J-16

MARC GILBERT DOGGETT,
LUIS EDWARDO ORTIZ-CRISTONCHO

Jacksonville, Florida
December 14, 1988
9:30 a.m.

MOTION TO DISMISS PROCEEDINGS
BEFORE THE HONORABLE HARVEY E. SCHLESINGER
UNITED STATES MAGISTRATE

APPEARANCES:

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For the Defendants: BY: WM. J. SHEPPARD, ESQ.
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Jacksonville, Florida 32202

BY: STEPHEN A. GLASS, ESQ.
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Court Reporter: Leslie M. Kutchaver
C&J Court Reporters, Inc.
2906 Independent Square
Jacksonville, Florida 32202

[3] PROCEEDINGS

9:30 a.m. December 14, 1988

* * *

[15] DOUGLAS L. DRIVER, having been produced and first duly sworn as a witness on behalf of the Government, then testified as follows:

DIRECT EXAMINATION

[23] THE COURT: There came a point in time, when this indictment was returned, that the obligation of the United States to try to bring these people to a speedy trial started. Now, I don't know what went on in Colombia with investigations about other defendants and what . . .

MR. MORRIS: This is what I'm trying to get to.

THE COURT: Well, but the problem is when was the first defendant arrested in this case?

MR. MORRIS: That will be about my third question from now.

THE COURT: Well, I'll ask that first. When was the first defendant arrested in this case?

THE WITNESS: I believe February 22nd.

THE COURT: Of 1980?

THE WITNESS: Of 1980, right after the indictment was returned.

THE COURT: And that's when he . . .

MR. MORRIS: Actually, that's incorrect I believe, Your Honor; although it's partially true.

THE COURT: Well, I have no idea.

[24] MR. MORRIS: Do you mean arrested on the indictment or arrested on the complaint or arrested on other evidence?

THE COURT: Do you want to testify? When did he – when was he . . .

THE WITNESS: Diego Valencia, one of the defendants, was arrested on February 22nd.

THE COURT: Okay. When was the first defendant arraigned in this case?

MR. MORRIS: On the indictment?

THE COURT: On the indictment.

MR. MORRIS: Well . . .

THE WITNESS: Well, I guess this defendant, Diego Valencia, was arrested on a complaint; then the indictment was done. The next arrests were made on Feb-, March 18, 1980.

THE COURT: Okay.

THE WITNESS: Arrests were made in North Carolina, and the attempt was made to arrest Doggett.

THE COURT: In March?

THE WITNESS: March 18.

THE COURT: Okay. So what do we care about what was going on in Colombia?

MR. MORRIS: Because that explains why there wasn't an earlier attempt than 26 days [25] to make an arrest on . . .

THE COURT: Well, we're worrying about eight years. Twenty-six days is insignificant; let's worry about eight years.

MR. MORRIS: Well, it's only one question, Your Honor. I would like it, for the record, to be stated. I think it is important.

THE COURT: As to why they didn't do anything for the 28 days?

BY MR. MORRIS:

Q: After the indictment, was there any other efforts in this case made concerning what you considered the lead defendants?

A: Yes. The informant was still in contact with relatives of his in Colombia, who were in contact with Fabio Moreno, who was on the run because of the seizure and the arrests in Colombia. So Moreno was still trying to learn what happened, who was arrested and why, and was in touch with the informant.

THE COURT: In Colombia?

THE WITNESS: The informant was back [26] here in the United States.

THE COURT: Where was Moreno?

THE WITNESS: Moreno was – he was either in the Caribbean somewhere or Colombia. But he was running from the police in Colombia.

Q: All right. The last time in your investigation that you had seen Mr. Ortiz, where was he in relation to Mr. Moreno?

A: He was with him, but they – that was in Nassau. We met – I met Moreno and Ortiz together and negotiated for the 50 keys in Nassau.

Q: All right. Subsequent to that, you went to Colombia?

A: Yes.

Q: Was Mr. Ortiz also in Colombia?

A: No.

Q: Okay. At least you didn't see him there?

A: I didn't . . .

MR. GLASS: I'm going to object. He just said that he didn't see him; we don't have to go through this over and over again.

THE COURT: Well, if we're talking about dates it might help, also. Was it before or after the indictment?

MR. SHEPPARD: Judge, I would [27] respectfully submit that this agent doesn't know when the indictment, according to his testimony, and I would suggest it's because of the passage of time, when the indictment was issued. He's testified . . .

MR. MORRIS: He has already testified to that.

MR. SHEPPARD: I know he's testified to it, but I would ask the Court to take judicial notice of the court file. The date is wrong.

THE COURT: It's February 22nd, 1980.

MR. SHEPPARD: Yes, sir. He said that it came after that; that the first defendant was arrested on the

22nd. And thereafter, there was an indictment. And that's wrong.

THE COURT: Well, he said that the defendant may have been arrested before the indictment was returned on the 22nd. The man may have been arrested at 8:00 o'clock in the morning.

MR. SHEPPARD: I understood, and I believe the record will reflect, that his testimony was that the indictment was returned on March 18, 1980, which is incorrect.

MR. MORRIS: No.

THE COURT: No, February 22nd, 1980.

MR. SHEPPARD: I stand corrected, thank you.

THE COURT: I've got it right here; [28] that's when it was signed. And I have no idea what time of day it may have been returned. Go ahead.

BY MR. MORRIS:

Q: Was it your belief, at the time of the indictment, that some of the major defendants in this case were still outside of the United States?

A: Yes.

Q: And were you trying to get them in the United States to arrest them?

A: Yes.

Q: All right. By March 18th, you decided to go ahead and make the arrests of those you knew were in the United States; is that correct?

A: Yes.

Q: And where did that effort take place?

A: I had some agents go attempt to arrest three of the defendants in North Carolina.

Q: And who were those defendants?

A: One of them was named Allen Riddle, one William Barnes and the third was Marc Doggett. Marc Doggett was not arrested; the other two were.

Q: On March 18?

A: On March 18.

Q: 1980?

A: Yes.

[29] Q: Who made the effort to arrest Mr. Doggett that day?

A: It was some people working with the DEA office in Raleigh, North Carolina. One was named Charles Overton; he's a North Carolina State Bureau of Investigation agent.

Q: And did you receive any word from him as to whether Mr. Doggett was arrested that day?

A: Yes. He told me that he made an attempt to arrest Doggett. And he interviewed Doggett's mother and learned that Doggett had left for Colombia on March 14th, four days earlier, 1980.

And Overton told me that he told Doggett's mother about the arrest warrant. And she seemed cooperative.

As a matter of fact, she told him that she knew that Doggett had gone to Colombia to pick up cocaine, and that she hoped that he would be arrested to get him out of the – that business.

Q: Did she indicate whether she would advise Agent Overton if Mr. Doggett returned home?

A: Yes.

Q: I show you what has been marked as Government's Exhibits No.1 and 2 (tendering). Do you recognize Exhibit No. 1?

A: Yes, I do.

Q: And what is it?

[30] A: It's a teletype from me sent to all the United States Customs stations, EPIC and INTERPOL, stating that Marc Gilbert Doggett is currently wanted by DEA pursuant to an arrest warrant issued in the middle district of Florida. It gives the warrant number, the date, 2/20/1980.

And it says that Doggett is not yet in NCIC, but it says that he departed Raleigh by Eastern Air Lines en route to Bogota; that he stopped in Miami to renew or obtain a new passport, number not yet known, and that he may return back to the United States carrying approximately 300 grams of cocaine; that he's traveling with a cousin, named William Doggett, and it gives a brief description of him, and my name and phone number as a contact number.

Q: And what is the date of the teletype?

A: March 18th, 1980.

MR. MORRIS: Your Honor, I would ask that Exhibit No. 1 be admitted.

THE COURT: Any objections?

MR. SHEPPARD: No.

THE COURT: Any objections?

MR. GLASS: No, Your Honor.

THE COURT: Exhibit 1 will be admitted.

(Government's Exhibit No. 1 received in evidence.)

BY MR. MORRIS:

[31] Q: Referring to Exhibit No. 2, would you state what that is?

A: (Witness perusing document.) Exhibit No. 2 is a DEA-6 written by the agent in charge of the DEA office in Wilmington, North Carolina. It details the arrest of William Barnes and Allen Riddle, and the attempt by Agent Overton of the North Carolina State Bureau of Investigation, and Officer Larry Rawlins, from the Wade County ABC Board, it details their attempt to arrest Marc - Marc Doggett and the interview of Doggett's mother.

MR. MORRIS: All right. Your Honor, I would ask that Exhibit 2 be admitted at this time.

THE COURT: Any objections?

MR. SHEPPARD: No objection.

MR. GLASS: No objection.

THE COURT: Exhibit 2 will be admitted.

(Government's Exhibit No. 2 received in evidence.)

THE COURT: But as of March 18th, you still had not enlisted the services of the marshal to try to arrest these people . . .

THE WITNESS: That is correct.

THE COURT: . . . just these North Carolina officers?

BY MR. MORRIS:

[32] Q: At that point - or, between February 22nd and March 18th, was there any effort made to arrest Defendant Ortiz?

A: I believed, at that time, that he was out of the country. I had no way of knowing that he lived in the United States, if he did. I don't know.

Q: All right. And what was the basis for your belief that he was out of the country or not . . .

MR. GLASS: Excuse me, Judge. I may be a little slow here, but I thought the question was, Was any effort made; and I don't believe the answer was responsive to whether an effort was made or not.

MR. MORRIS: Do you want me to rephrase the question?

THE COURT: Please.

BY MR. MORRIS:

Q: All right. At that time period, had agents gone to any particular location looking to arrest Mr. Ortiz?

A: No.

Q: Why not?

A: I believed that he was living in Colombia; I had a Colombian address. I believed that he was a Colombian citizen. And at the time there was no extradition or anything from Colombia, so I had no way of arresting him or sending anyone to arrest him.

[33] Q: Where had you obtained a Colombian address from?

A: When I negotiated with Mr. Ortiz in Nassau, along with Moreno, for the 50 kilograms of cocaine, after – he was registered at a hotel there.

After he left, or after the two of them left, I got the registration information from the hotel. And that's how I identified him. I got his full name; I got his passport number, and I got his address. The address was a street address in Bogota.

Q: Was it – did you ever see his passport, per se?

A: No. I never actually saw the passport, just the number.

THE COURT: And when did you do this?

THE WITNESS: This was in, I believe, November 1979.

BY MR. MORRIS:

Q: Did you make entries into NCIC at some point?

A: What I – I don't actually make entries myself into NCIC. I fill out a fugitive declaration form, is the way it's normally done. I filed out a fugitive declaration form and sent it in through DEA channels. And it's eventually sent to NCIC. Eventually Ortiz was entered into NCIC, on 5/24/1980.

Q: Okay. NCIC stands for . . .

A: The National Crime Information Center; it's a computer.

[34] Q: Okay, I show you Exhibit No. 3, first of all (tendering). I'm going to hand you 4, you can look at it in a minute. Do you recognize what Exhibit No. 3 is?

A: It's a United States Department of Justice Wanted Person Report.

Q: And is that the form that Agent Keith of DEA in Washington fills out that goes into NCIC?

A: Yes.

Q: And when was that entered?

A: (Witness pausing.)

Q: Is there a date at the bottom someplace?

A: 5/11/80.

Q: Okay. And when – referring to Exhibit No. 4, would you state what that is?

A: It's the same form, United States Department of Justice Wanted Person Report, for Marc Doggett.

Q: And when was that entered into NCIC?

A: 4/02/81.

Q: Do you have any – do you know why Doggett was entered so much later than Mr. Ortiz was?

A: Well, I had sent this teletype, putting Doggett . . .

Q: You're referring to Exhibit No. 1?

A: Exhibit No. 1, putting Doggett in TECS and putting him on lookout. And I had [35] assumed that he would go into all the computers at that time, as being wanted. And I later learned that he had not gone into NCIC; so I filled out the forms and did that in 1981.

Q: Okay. When did – approximately when did the trial begin on Defendants Barnes and Riddle?

A: September 2nd, 1980.

Q: And did it conclude within a matter of a few days or a couple of weeks?

A: Around a week.

Q: When was the next time that you heard anything about the potential or possible location of Mr. Doggett?

A: In, I believe, October or – or, I learned that Marc Doggett had been arrested by Panamanian authorities on September 21, 1981.

Q: Do you recall how you learned that?

A: I either got a telephone call or a teletype from Leonard Williams, the agent in charge of the Panama country office in the Republic of Panama.

Q: And as a result of getting that information what, if anything, did you do?

A: Well, I had a series of telephone calls with Leonard Williams. And I eventually sent him a driver's license, that I had in my possession, for Marc Doggett. [37] When I originally negotiated for 50 kilograms of cocaine with Ortiz and Moreno, Moreno told me I could get a sample of the cocaine from Marc Doggett. He told me that Doggett had been getting cocaine from him on a regular basis, and that Doggett owed him a lot of money.

Q: This was in . . .

A: So I sent this driver's license to Williams to see if this was the same person who had been arrested. And he sent it back to me and said that it was.

Q: Okay.

THE COURT: Just so the record is clear: Mr. Sheppard, you had asked, the clerk's file of the papers that accompanied the indictment in this case were filed in the clerk's office February 22, at 4:19 p.m., which is a pretty good indication to me that the indictment was probably returned that afternoon.

On February 26 of 1980, at 10:39 p.m., a United States marshal from this district sent the indictment warrant to the United States Marshal for the Southern District of Florida with respect to Diego Alberto Valencia Vasquez.

The warrant for Mr. Vasquez's arrest was executed by a DEA agent in the southern [37] district of Florida and a deputy US marshal by the name of Robert

N. Green. And it says that he was arrested on an outstanding indictment warrant on February 22nd, 1980.

BY MR. MORRIS:

Q: The conversation you just mentioned, where you had obtained the driver's license, where did that occur?

A: In Nassau, Bahamas.

Q: Okay. What requests did you make of Agent Williams with regard to Mr. Doggett, if any?

A: Told him that Doggett was wanted in the United States, and asked if he would initiate proceedings with the Panamanian authorities to have him returned to the United States for trial.

Q: Now, what was Mr. Williams' position in Panama?

A: He was the agent in charge of the DEA operations there, the country attache.

Q: Okay. Did you subsequently receive some reports from him concerning Mr. Doggett?

A: Yes.

Q: And I show you Exhibit No. 5 and (pausing), well, 5 at this point (tendering).

A: Exhibit No. 5 is the DEA-6 by Mr. Williams, detailing the arrest of Marc Doggett by Panamanian authorities on September 21, 1981.

Q: All right. Had he also sent you [38] teletypes prior to the DEA-6?

A: Yes.

Q: Did Mr. Williams indicate to you whether he did make a request to Panama that they release Mr. Doggett to the United States, at some point?

A: Yes. And his report reflects that he submitted a written request that Doggett be expelled to the United States when the Panamanian prosecution is completed. His report reflects that the attorney general of Panama indicated his concurrence with this request in a letter dated October 15th, 1981.

Q: Have you ever seen . . .

THE COURT: What was the date on that request?

THE WITNESS: The attorney general's request – or, response is dated October 15, 1981.

BY MR. MORRIS:

Q: Through conversations with Mr. Williams, who is it, in your understanding, that would make the decision to release Mr. Doggett to the United States?

MR. SHEPPARD: I object. That calls for a legal conclusion.

MR. MORRIS: It's based on Mr. Williams' experience in the country, Your Honor.

MR. SHEPPARD: Judge, it doesn't matter [39] what his experience is; it's what the law is. I've cited cases where people have been extradited from Colom –, I mean from Panama; I have attached all of the treaties. And it is a legal conclusion.

The problem is, is that we don't have the document that Mr. Williams refers to in his DEA-6, which is a written request. I respectfully submit that our position is that the treaties, in black and white, tell you what you must submit to the Panamanian authorities in order to implement the extradition treaty.

THE COURT: Well, they weren't trying to implement the treaty. He just testified what he was trying to do, was to get the man thrown out of the country. Expelled and extradition are two different things. Now, if he wants to testify he was trying to do it through the treaty, I'll listen to him.

MR. SHEPPARD: I understand. The other problem is that we don't have this written request to the Panamanian authorities to even expel him. We don't have it.

THE COURT: Go ahead.

BY MR. MORRIS:

Q: Did you have conversations with Mr. Williams, both at that time and subsequent to that, as to what he was doing in there and who he was contacting?

[40] A: Yes. He was dealing directly with . . . at the time, it was Colonel Noriega, now General Noriega.

Q: Was it your understanding, through Mr. Williams, that that was the person that made the decisions on who to release to the United States?

A: Yes.

Q: Through your conversations with Mr. Williams . . .

THE COURT: Just one second. Release them by throwing them out of the country unofficially? or going through the extradition treaty?

THE WITNESS: It would have been an expulsion, as an undesirable.

THE COURT: Okay.

BY MR. MORRIS:

Q: Did Mr. Williams tell you that this procedure had worked in other cases other than Mr. Doggett's?

A: Yes.

Q: That they released persons arrested there, that the United States wanted, just to the DEA?

A: Yes.

Q: Or bring them back to the United States.

A: Yes.

Q: Do you know . . .

THE COURT: Just so that the record is clear, too: Mr. Sheppard, according to the [41] court file and I think that some of the documents may not be in the correct sequence, Mr. Valencia Vasquez was arraigned in this court on March 24th of 1980, which means that the indictment, at that date, had to be made public, if it wasn't made public in Miami at his removal hearing. And I do have a date in Miami (perusing), just bear with me a minute.

February 28th of 1980 was the date of the removal hearing. And there are indications in the file that there

was live testimony that was taken in Miami, which would indicate to me the indictment was made known.

MR. SHEPPARD: What was that arraignment date in the middle district, Judge?

THE COURT: Excuse me, I'll find it again.

MR. SHEPPARD: I'm sorry.

THE COURT: March 25th – oh, that was the bond (perusing), here it is. The arraignment was March 24th. Go ahead.

MR. SHEPPARD: Thank you, Your Honor.

MR. MORRIS: Do you recall what my last question to you was?

THE WITNESS: No.

MR. MORRIS: Was there a question on the floor before that comment?

[42] (Thereupon, the last question was read back by the court reporter.)

BY MR. MORRIS:

Q: Do you know why the original letters that the United States wrote to Panama, and the Panamanian attorney general responded . . .

MR. SHEPPARD: I object to assuming facts not in evidence. There is no evidence of any letters, other than double hearsay.

THE COURT: Well, I assume what he testified from the DEA-6, that it was sent to him, that will travel on hearsay.

MR. MORRIS: I would ask that Exhibit No. 5 be admitted at this time.

THE COURT: That's which number?

MR. MORRIS: No. 5.

MR. SHEPPARD: No objection.

THE COURT: Okay, No. 5 will be admitted. You don't have 3 and 4 admitted.

MR. MORRIS: I would ask those be admitted, too.

THE COURT: Any objections?

MR. SHEPPARD: No, sir.

MR. GLASS: No, Judge.

THE COURT: Nos. 3 and 4 will be [43] admitted, as well as 5. You may answer the question; I'll overrule the objection.

(Government's Exhibit Nos. 3, 4 & 5 received in evidence.)

BY MR. MORRIS:

Q: Those documents that are referred to in the DEA – Exhibit No. 5, do you know why those are not here in this courtroom?

A: Yes.

Q: Or do you have any understanding as to why they aren't present in the courtroom?

A: Yes. I transferred from Jacksonville to Panama in August of 1985. One of the first things I did was check on

the status of Marc Doggett, because I thought he was still in jail when I got there.

I learned, when I got there, that Doggett had been released. And I was unable to learn when, at what date. I went looking for the DEA files. And at that time, I learned that in our overseas embassies and in our foreign offices we only keep the files for as long as they're really active, for a very short period, because of the possible – the potential for our embassies to be overrun, or that sort of thing, and files be stolen.

So they purge the files very frequently in our foreign offices. And they didn't have [44] the file when I got there in 1985; and I don't know when – when it was purged or burned. And I don't . . .

MR. SHEPPARD: I object to his testifying it was burned; he doesn't know whether it was burned or shredded, or what was done.

THE COURT: He doesn't know, he doesn't know what happened to it.

THE WITNESS: I know the files are routinely shredded, in our foreign offices, about every six months.

BY MR. MORRIS:

Q: Is it your statement that that policy stems from the fact that embassies in other parts of the world have been raided by persons in those countries and documents seized and made public?

A: Yes.

Q: At what point did Mr. Williams get transferred or leave Panama?

A: Early 1982.

Q: Was it in July of '82?

A: Yes, July of '82.

Q: And at the point he left, had he ever received any further communication, to your knowledge . . .

MR. SHEPPARD: I object, Your Honor.

BY MR. MORRIS:

Q: . . . through your conversations with him [45] about Mr. Doggett?

A: No. He believed Doggett to be still in jail in Panama when he left.

Q: When did you get transferred to Panama?

A: August 1985.

Q: And at that point you had received no more – at that point, you had received no more word from Mr. Williams or anyone else about Mr. Doggett's whereabouts?

A: No. As a matter of fact, I was still writing status reports on the status of the fugitives in this case. And I was still saying that he was in jail in Panama and that we would be notified when he had finished serving his time, and that he would be expelled to the United States.

THE COURT: If Williams left in July of 1982, and the file was destroyed six months after it was created, what was going on between 1982 and 1985? What if somebody called DEA and said, Doggett is ready to be released? They wouldn't have a file on Doggett.

BY MR. MORRIS:

Q: Well, were there other agents that eventually replaced – or, an agent that replaced Mr. Williams there?

A: Yes. I don't know exactly when the file [46] was destroyed; I said routinely, when there is no further action in a file, it's destroyed after about six months but . . .

* * *

[51] Q: Do you know whether – well, during the time you were in Panama, did you become aware of cases where US citizens were arrested where DEA had an interest in them also?

[52] A: Yes.

Q: And did you communicate, when you learned of an arrest, that to the consulate part of the embassy?

A: Yes. If it was an American citizen, yes.

Q: Okay. If that citizen also was wanted in the United States, would you pass that information onto the consulate?

A: Yes.

Q: Prior to Mr. Doggett's arrest this year, had you ever received any more word, since 1985, when you went to Panama, as to where Mr. Doggett was?

A: Well, his – the paper work and everything that he had on him when he was arrested in Panama indicated that he was living in Bogota, Colombia, residing at a street address there.

He had – also had his brother's birth certificate with him. And he had stuff on him that indicated he was using a fake name, using the name of Marcus Pinzon, which is his mother's maiden name.

So, no, I believed and assumed that after he got out of jail in Panama that he returned to Colombia, where he had been living prior to that.

Q: Did you write a report based on the information you received from Agent Williams as to his arrest in Panama? Referring you to [53] Exhibit No. 6 for Identification (indicating document).

A: Yes.

Q: And when was that written?

A: April 26, 1983.

Q: Do you know why it was written at that time, rather than earlier?

A: No. Just I'm not that timely with my reports often.

Q: Well, did you have other cases you were working on during this period . . .

A: Yes.

Q: . . . other than Mr. Doggett and Mr. Ortiz?

A: Yes.

Q: And the information . . .

MR. MORRIS: Well, I would ask that Exhibit No. 6 be admitted at this time, Your Honor.

THE COURT: Any objections?

MR. SHEPPARD: May I see it briefly, Your Honor? Some of these are hard to read.

MR. MORRIS: Yes. Your Honor, I apologize for that.

MR. SHEPPARD: They're so old it's hard to . . .

(Messrs. Sheppard and Glass perusing document.)

[54] MR. SHEPPARD: I have no objection, Your Honor.

THE COURT: No. 6 will be admitted.

MR. GLASS: I have no objection, likewise, Your Honor.

(Government's Exhibit No. 6 received in evidence.)

BY MR. MORRIS:

Q: Was there anything in your files prior to his arrest that indicated – in DEA's file, that indicated Mr. Doggett had returned to the United States and was living in Virginia?

A: No.

Q: What is one of the purposes – let me withdraw that and rephrase it. You referred earlier to entering information in NCIC. Can you explain how NCIC works?

A: It's the National Crime Information Computer. And if someone is wanted in one state, you put the

information in, hoping maybe he will be caught in another state or in another jurisdiction.

It has wants and – wanted, and it has information regarding stolen property by serial numbers, weapons, that sort of thing. It's just a computer with a lot of different types of information in it; and it's very widely used.

For instance, people coming into the United States are randomly queried by Customs to see if they are fugitives. Or cars, for instance, I understand that there is like [55] 185,000 queries a day on license plates alone crossing the US border. There are 300,000 queries per day at international ports of entry concerning persons.

* * *

[57] MR. MORRIS: No, Your Honor. Mr. Sheppard has filed, in some of his pleadings, facts indicating that he intends to show that Mr. Doggett was living in Virginia for – since 1984, I think, or '85.

THE COURT: Filing tax returns, lived under his true name, used his right social security number, had a driver's license.

MR. MORRIS: That's right.

[58] THE COURT: I don't know. The last hearing I had, I heard all about how the deputy US marshal found somebody that a bunch of agents had been looking for for years, but no one bothered to check the driver's license place and they did.

MR. MORRIS: That is what I'm getting to right now, why he didn't check the driver's license place.

THE COURT: Well, you still haven't asked, still haven't asked that question.

MR. MORRIS: I think it's preliminary having to set up how NCIC works first. That's what I was getting to.

THE COURT: Well, how about how driver's license checks work. Maybe that would be better.

BY MR. MORRIS:

Q: All right. How do you make a driver's license check, Agent Driver?

A: Normally, we fill out a form and send it to the director of the Department of Motor Vehicles for each particular state, is how we normally do it.

Q: All right. Are you aware of whether it can be done through a system called NLETS?

A: I have recently learned that it can be done through NLETS. You can make a check [59] through the computer and check any state, their Department of Motor Vehicles, to see if someone has a license.

Q: Would the response you get on that be only for the exact spelling and date of birth, or whatever information you put in the request?

A: Yes.

Q: Do different states require different information as to driver's licenses? For example, some use social security numbers; some don't.

A: Yes.

MR. SHEPPARD: Your Honor, same objection as it was with regard to NCIC; it's a hypothetical. He ought to ask him what he did. If he did something, great; if he didn't do it . . .

MR. MORRIS: I think what he didn't do is important also, and why he didn't do it, Your Honor. The Government does not have the ability to do everything that Mr. Sheppard and Mr . . .

THE COURT: Well, why don't you ask him that, then?

MR. MORRIS: That is what I'm trying to ask.

THE COURT: Well, what did you ask him? You haven't asked him, Why didn't you make a driver's license check?

[60] BY MR. MORRIS: Why didn't you make a driver's license check in this case?

A: Because I thought Mr. Doggett was in jail in Panama. I had no reason to believe he would be getting a driver's license in any state in the United States.

Q: As just a routine procedure on all fugitives, why don't you just throw them all in the computer all over the nation?

A: It's just not possible. The computer can't handle that; and I, as a DEA agent, don't have the time to do that routinely and regularly.

Q: Have you had a conversation with a Mr. Jerry Smith recently?

A: Yes. Mr. Smith works at the – in Washington, D.C., at the NCIC headquarters. And he explained some of the problems associated with running these kind of checks through NCIC. For instance, he says it is possible . . .

MR. SHEPPARD: Your Honor, I object, unless he is testifying about a relevant time period. I mean, we're dealing with almost a decade here. And Jerry Smith may have been in high school during the relevant time period, but we don't know that.

BY MR. MORRIS:

Q: Are we talking about the last four-year [61] period, four to five years?

A: Yes.

THE COURT: Go ahead. I'll overrule the objection.

THE WITNESS: Mr. Smith says it is possible now to query all 50 states to see if an individual has obtained a driver's license however recently, or is currently registered in a certain state. But he says they – it's discouraged, that type of tying up of the computers. They certainly don't want to see it done routinely.

Q: Have they tried it in some cases?

A: Yes.

Q: And the result? Do they see good or bad results?

A: It can be done, but you have to know – it takes a computer expert, because you have to know what you are doing with it in each individual state.

Q: And you have to have identical information as appears in that state or it will not show up?

A: Yes.

Q: And as to Customs inquiries at the border, is that the same situation?

A: There are – the problems at the border are that if somebody uses an initial, period, instead of a full middle name, you may not [62] get a matchup; or if the date of birth is not correct. And oftentimes there is sometimes 30 hits on a particular name. And then it becomes up to the individual agent to sift through and see if there is a matchup. And there is just a lot of problems associated with using the computers like this.

Q: At the time you entered Mr. Ortiz in NCIC, did you have a date of birth for him?

A: No. I had his full name, Luis Edwardo Ortiz-Cristoncho, his passport number, his address in Colombia. And I had, you know, a physical description that I put in from my own observations. But, no, I had no date of birth.

Q: Did you – had you ever received information on Mr. Doggett that he used other names or other spellings of his name?

A: Yes, quite a lot of them. He uses Doggett, Doggart, Baggett, several other names.

Q: Prior to the arrest of Mr. Ortiz in the fall of 1988, on these charges, had you ever heard that he had been arrested in the United States?

A: No.

Q: Had you ever heard he was living in the United States?

A: No. I knew he traveled frequently to the United States, based on my conversations with him . . .

* * *

CROSS EXAMINATION

[63] BY MR. SHEPPARD:

Q: Good morning, Agent Driver. You testified about a policy of the Drug Enforcement Administration, which you applied in this case, to the effect that DEA would make arrests for individuals that DEA investigated and caused to be indicted.

A: Yes.

Q: As opposed to other agencies.

A: Yes.

[64] Q: And is that a written policy?

A: No.

Q: Is it a local policy of the DEA; that is, the regional office in Jacksonville, or the resident office in Jacksonville? or is it a nationwide DEA policy, if you know?

A: I believe it's a nationwide policy. We generally arrest the people we investigate ourselves, or at least make the initial attempts. And then if we can't, then –

and the people are declared fugitives after, say, approximately 30 days, then other agencies are asked to help, the marshals and the FBI.

For instance, all of our Class I and II fugitives, for about the last five years, were turned over to the FBI. And they made the active searches. They have the manpower. They have squads that do that normally. They have investigative aids, and that sort of thing; and DEA doesn't have them.

Q: Was Doggett a Class I or II fugitive?

A: No. He was a Class III.

Q: Why is that?

A: Well, we classify them on the basis of their – amount of drugs and whether or not they have people operating under them and whether they control an organization or not.

[65] Q: Class I being the most serious offender?

A: Yes.

Q: II, III . . . what other classes are there?

A: Just IV, which is like a real small-time distributor.

Q: So at what time period did the FBI become involved in effecting the apprehension of DEA fugitives?

A: It was about a five-year period that just ended recently, in the last few months.

Q: So it would have been from about '83 to '85 – '88?

A: I'm guessing five years. It could have been longer, I don't know.

Q: You are not guessing so much as you are estimating in recollecting it . . .

A: Yes.

Q: . . . would that be fair? And let me give you these exhibits back. Well, I believe the Court is using them.

(Thereupon, the clerk tendering requested documents to the witness for perusal.)

BY MR. SHEPPARD:

Q: Now, on the date that the indictment came out in this case you conferred – did you not? – with the assistant United States attorney to the effect that, I want to make these arrests or DEA wants to make these arrests; and we do not, although we lodged a warrant with the Marshals Office here in the middle district, [66] there was a memorandum prepared by the assistant United States attorney indicating that DEA would make the arrests?

A: Yes. We didn't want to duplicate effort.

Q: All right. And that memorandum was written by Assistant United States Attorney Bernard McLendon?

A: Yes.

Q: And he had assisted you in presenting this matter to the grand jury . . .

A: Yes.

Q: . . . obtaining the indictment?

MR. SHEPPARD: And I would ask the Court to allow me to ask the Court to take judicial notice of that memorandum, which . . .

THE COURT: It's in the file.

MR. SHEPPARD: . . . is in the file. In fact, I'd ask the Court to take judicial notice of the entire contents of the court file in this case.

BY MR. SHEPPARD:

Q: And that memorandum was written on the 22nd of February, 1980, the date the indictment was returned?

A: Yes.

Q: And at any time after February 22, 1980, until the present time, has that memorandum to the United States Marshals Office, to the effect that DEA would make the arrests in [67] this case, been rescinded, superceded, modified or changed?

A: I don't know that that memoranda has been. But, as I said, there was a period where we turned all of our Class I and II fugitives over to the FBI. And that would have been fugitives in cases '74, '75, '77, '80.

So for the last five years, up until just within the last couple of months, the FBI has been making active searches for the Class I and IIs. The IIIs, my understanding was, were being looked for by the Marshal Service. You know, I may be in error but . . .

Q: In this case, have you seen any document, talked to any person that would indicate that Doggett got put on a list for anyone other than you personally to look for, other than what you have testified?

A: He's been in NCIC and he's been in the computers. After 30 days of looking, normally we turn in a fugitive declaration report. And then, you know, he's fair game for anybody.

Q: Right. Where is that document, in this case, as it relates to Marc Doggett?

A: I originally put him in the TECS computer and no – that document was not filled out. Later, when I learned – realized that I had forgotten to do that, I had him put in NCIC. And that's – the date was 4/02/81. So he didn't go into NCIC until [68] '81. From that point on, the marshals and everybody . . .

Q: Presumably.

A: . . . presumably would have known that he was wanted.

Q: Right. My question is: At that time after February 22, 1980, there was a communication in writing or otherwise from the DEA to the United States Marshal Service saying that the February 22, 1980, memorandum telling you to hold off the dogs is changed; and we want you to release the dogs and capture Marc Doggett?

A: I don't know of any such document.

Q: You didn't cause one to be created nor are you aware of the existence of any such document?

A: The only thing was the fugitive declaration form. And I eventually did fill one out.

Q: That is the exhibit here; is it not?

A: No. There's – it is a DEA personal history form that has a fugitive declaration block on it: and it's checked and sent in. And that caused this document to be formed (indicating document).

Q: Refer to the exhibit number of the document that that caused to be created.

A: It caused Exhibit No. 4 to be created.

Q: What is the date of Exhibit 4?

A: Well, the date is 4/02/81.

[69] A: All right. And that was created as a result of you initiating a personal history report?

A: Right. The document I submitted was dated March 19, 1981.

MR. SHEPPARD: I would ask that that be . . .

MR. MORRIS: I have got a copy here, I believe, if you want to mark it.

MR. SHEPPARD: Yes, just to complete the report.

MR. MORRIS: Yes, that's fine.

MR. SHEPPARD: We can have that be Doggett Exhibit 1.

THE CLERK: It would be A.

MR. SHEPPARD: A, okay.

THE COURT: Any objections?

MR. MORRIS: No, Your Honor.

(Defendants' Exhibit A received in evidence.)

BY MR. SHEPPARD:

Q: Now, that document causes communication only with NCIC?

A: No. This goes to DEA headquarters and is put in the NADDIS computer, which is the DEA computer, and NCIC and should go to TECS and other computers also.

Q: But you have no way of knowing whether that did?

A: Routinely it does. It caused this form [70] to be filled out for the NCIC, so I assume the other – it went in the other computers routinely, also.

Q: But we have no documents that reflect that that indeed occurred?

A: No.

Q: Okay.

A: But he was already in the TECS computer, from my earlier teletype, so . . .

Q: What is the TECS computer?

A: That is the Customs computer.

Q: All right. Does the Marshal Service have a computer?

A: I don't know.

Q: Do you see . . . okay.

THE COURT: You are referring to a TECS terminal.

MR. SHEPPARD: A terminal that says, Arrest these fugitives.

THE COURT: Well, but in what context? He is talking about different systems. TECS is one system; NCIC is another system.

MR. SHEPPARD: I understood that.

BY MR. SHEPPARD:

Q: TECS is Customs. NCIC is all law enforcement agencies that subscribe to the NCIC computer, correct?

A: Yes.

[71] Q: Do you know if the Marshal Service subscribed in 1980-82 time period to the NCIC computer?

A: Yes.

Q: Do you know if there was a capability when you, being the DEA, caused an input into the NCIC computer that there would be something that came out to the Marshal Service? If you know. This may be beyond your . . .

A: I don't know. But I do know the marshals routinely call me up and say, Hey, we're looking at one of your fugitives here – or, we're looking for one of your fugitives and he's not in NCIC; put him in NCIC.

That could have been what caused me to do this thing to begin with, because – for me to send this form in. And it probably was the marshals calling me and saying, You've got the guy in TECS and you've got him in certain lookouts, but you need to put him in NCIC.

Q: But you are guessing that?

A: I don't remember. I'm saying that that is probably what happened.

Q: And there is no document in your file where you documented contemporaneous with any such communication from the Marshal Service; is there?

A: No. It has happened on other occasions, though.

[72] Q: Okay. So, the policy of the DEA that you referred to was a policy where DEA exclusively sought fugitives for only a 30-day period?

A: Well, in our cases, if we – most of our cases, or a large percentage of our cases, we arrest and do a complaint. But when we go to the grand jury and warrants are issued, we just don't want to duplicate with the marshals getting the warrants at the same time we do, and for us to be out there duplicating effort.

So we notified the marshals in this case that we would handle making the arrests. Once there were fugitives in the case, or people we couldn't find, that's where routinely we then submit the forms and they're put in the computers. And we hope that anybody will turn them up at that point.

THE COURT: Why don't you – you can't make an NCIC . . .

THE WITNESS: Entry?

THE COURT: . . . entry yourself?

THE WITNESS: No, sir.

THE COURT: You just mail your forms to your headquarters, and they're responsible for doing it.

THE WITNESS: Yes.

THE COURT: Okay. And you don't know, when you mail a form up, whether there is ever an [73] entry made or not?

THE WITNESS: No, I just have to assume that there is. And occasionally the marshals will contact me and say, Hey, there is not – this guy is not in NCIC; you better resubmit the form or make a phone call, whatever you have to do to get him in there. And that happens.

THE COURT: This isn't the first, that's how I know all of this. This is not the first case. There are breakdowns.

MR. SHEPPARD: Okay.

THE COURT: Now, the marshal can make entries – right? – but not for your agency.

THE WITNESS: You know, I don't really know.

THE COURT: You don't know, okay. Well, we can find out when Deputy Carr testifies.

BY MR. SHEPPARD:

Q: Who apprehended Doggett in 1988; do you know that?

A: I know it was the Marshal Service.

Q: Do you know how long they had worked on finding him before they found him?

A: No.

Q: Have you ever utilized the technique of getting a Credit Bureau check on somebody to determine their whereabouts?

[74] A: Not to determine their whereabouts, but I have done credit checks on people.

Q: And as a result of that, you typically get addresses, where they work, where they live and other such . . .

A: 99 percent of the time I don't get anything on the people I check on.

Q: Well, but it is a technique; correct?

A: Yes.

Q: Now, why were these two local law enforcement officers from the State of North Carolina different than the US Marshal Service in trying to find Marc Doggett in March of 1980?

A: They were working in a DEA task force. And they were working with a DEA operation out of the DEA office in, I guess, Wilmington.

Q: So this is kind of a territorial-pride thing, in part?

A: No. I just didn't want the same effort duplicated. I didn't see any reason for a team of US marshals to be out looking for somebody and having a team of agents and police officers. Fine, if they're working together. The more the merrier, we love to have the help. But I didn't see any need in duplicating the effort.

Q: All right. Now, with regard to the visit of Mrs. Doggett, Marc Doggett's mother, [75] in March of '80, by these two local officers that were working on the task force with the DEA, did you communicate with them by telephone, which caused you to then prepare – well, let me withdraw that.

Exhibit 2, which is a DEA-6, was prepared by those – by the DEA office in the North Carolina office?

A: Yes.

Q: And that is how you learned about what you have testified to here today?

A: Yes, and telephone conversations with the two agents that went out and interviewed Mrs. – or Doggett's mother.

Q: And this is the – this is the agents that are referred to in Government Exhibit 2?

A: Yes.

Q: Did you prepare any written memoranda or documents that assisted you in refreshing your recollection, other than Government Exhibit No. 2, with regard to any such phone calls?

A: No.

Q: And Government Exhibit 2 is your best recollection of what you learned about it; would that be accurate? Or do you remember something separate and apart from Government Exhibit 2 that causes you to testify as you have here today?

A: Well, I've had conversations with Overton, [76] Agent Overton, and with Leonard Williams about this and about their knowledge of Doggett's mother.

Q: Right.

A: For instance, I think the report says that Doggett's mother is Venezuelan. Overton now says he remembers that she was Colombian; Leonard Williams says he knew she was Colombian, also.

Q: Well, did Williams go to North Carolina?

A: No. But he found correspondence and stuff on Overton – I mean, on Doggett at the time of his arrest, when he used the name Marcus Pinzon. He knew that that was . . .

Q: Where is that?

A: Doggett was using – or had paper work on him at the time of his arrest in Panama showing that he had recently made phone calls to the Bahamas, and that the name he used when he made the calls was Marcus Pinzon. He had receipts from the phone – they have storefront offices in Colombia and some foreign countries, where you go in and you make phone calls. And he had the receipt; it was in the name of Marcus Pinzon.

Q: If you are in Colombia, you usually use your mother's maiden name as part of your last name; don't you?

A: As part of it, but not as your last name.

Q: Well, have you . . .

[77] A: You wouldn't use the name Marcus Pinzon if your mother's last name is Pinzon.

Q: Have you ever seen these documents about which you've testified to that existed eight years ago? Have you ever seen what you are talking about?

A: I never saw the documents. They're referred to in agent – in the agent's report.

Q: Williams' report?

A: Report, yes, Williams.

Q: Well, so let me go back to my last question. Other than what is contained in Government Exhibit 2 with regard to the efforts in March of 1980 to arrest Marc Doggett in his family home in Raleigh, North Carolina, other than what is in that report do you have any knowledge, separate from that, that you can identify and where you got it and when you got it?

A: Yes. About three weeks ago I talked to Agent Overton, who is the person that went out and talked to Doggett's mother.

Q: Right.

A: He still remembers it vividly.

Q: Sure.

A: Because he remembers that the mother was Colombian and that she knew that Doggett had gone back to Colombia to get more cocaine.

[78] And she was upset by it and said she would help the agents catch him when he came back.

Q: Anything else?

A: And he still remembers all this. That's about all I remember from our conversation.

Q: Did you create any written documents as a result of that interview with Agent Overton in the last three or four weeks?

A: No.

Q: And I believe you testified that the reason that he was put in NCIC, in the latter part of '81, was as a result of learning somehow that it had not been put in NCIC?

A: Yes.

Q: But it wasn't intentional that you delayed it?

A: No.

Q: Okay. Now, you have identified a DEA-6 Agent Williams, who was the senior officer in the country of Panama during the 1980-81 time period; correct?

A: Yes.

Q: Which Exhibit is that, please?

A: Exhibit 5.

Q: And he refers, in Exhibit 5, to a written request to expel Doggett, written to the Panamanian authorities.

A: Yes.

Q: He didn't bother to send you a copy of that?

[79] A: No.

Q: You have never seen such a document?

A: No.

Q: And it also alludes to a returned written communication from the attorney general of Panama, 8/15/80. And you've never seen a copy of that?

A: It would be October 15, '81.

Q: I'm sorry. You've never seen that document?

A: No.

Q: And I believe you have testified there had been no attempts, for the reasons you heretofore testified, to seek to extradite Marc Doggett from Panama.

A: That is correct.

Q: And I believe you testified that Williams left Panama in July of '82.

A: Yes.

Q: Who took his place?

A: I'm not sure, I think the person's name is Arthur Sedio. But I'm not sure.

Q: Do you have any evidence or recollection that you ever communicated with Arthur . . .

A: Sedio.

Q: . . . Sedio about Marc Doggett?

A: No, I never did.

Q: So would it be accurate for me to assume [80] that from July of '82, when Williams left Panama, really

that was – until you went to Panama in '85, I believe you said, August '85, there really wasn't much to do about this?

A: No. I really assumed that, in a foreign country like this, the guy would get a 15-year or 10-year sentence and serve it. I had no way of knowing, until I checked, that he was out and gone in less than a year.

Q: And you didn't check; did you?

A: No.

Q: Because of the assumption?

A: That is correct.

Q: And let me hand you what has been marked as Doggett Exhibit B, C and B. That is B, and then would you tell me what that is (tendering)?

A: Exhibit B is a DEA-6 by me. It's a fugitive status report dated January 16, 1984, where I say fugitive Marc Gilbert Doggett is presently in custody in Panama. The Panamanian authorities have been requested to expel Doggett to the United States to stand trial in this case when he is released.

Q: And what was your source of information in preparing that DEA-6?

A: My previous information from Leonard Williams.

Q: Which was, at that point, two years old?

A: Yeah. Well, actually – yeah, three years old almost, going on . . .

[81] Q: Three years.

A: Two years, two-and-a-half.

Q: All right. Now, let me hand you what has been marked as Exhibit C.

THE COURT: Do you have any objections to these coming in?

MR. MORRIS: No, Your Honor.

THE COURT: B will be admitted. Have you seen C and D, also?

MR. MORRIS: I'm not sure which they are. I probably have, if they are what I think they are (perusing). Yeah, I gave those to him, Judge.

THE COURT: Any objections?

MR. MORRIS: No.

THE COURT: Okay. C and D will come in, too, when they're offered.

(Defendants' Exhibit B received in evidence.)

BY MR. SHEPPARD:

Q: Would you tell the Court what Exhibit C is?

A: It's the same report dated July 18, 1984, same information in it. I think these reports are supposed to be written every 180 days; so it's about six months later.

Q: All right. And you had relied on the [82] previous information, from three years prior, when you had learned what you learned from Agent Williams?

A: Yes. As a matter of fact, when I got to Panama and checked with the Panamanian authorities, my recollection is that they didn't know he was out. The enforcement people put people in, they might get a ten-year sentence and they might pay their way out or go out the back door of the jail 30 days later. I've had that happen to me in cases down there.

Q: And I would love to do war stories with you, but we don't have time today. You don't know that to be – have anything in the world to do with Marc Doggett, though, do you?

A: Well, I don't believe that the enforcement people, the people who arrested him, knew that he was gone or . . .

Q: Okay. Well, let me ask you to identify Exhibit D (tendering).

A: Exhibit D is the same report, a fugitive status report dated March 10, '85.

Q: And again, you did nothing to – except to rely on the information

A: The previous information.

Q: . . . you had gotten from Williams several years prior, to initiate that report?

A: Yes.

[83] Q: Now I would like to talk to you, if I could, about this policy of destroying active files of the DEA in foreign countries. Is that really the policy of the DEA, that periodically they just destroy the office and start a new one? or what is the setup?

A: No, I wouldn't say active files. But if there is nothing happening in a case within a certain amount of time, the file is closed and it's destroyed.

Q: Is there any effort made to determine whether it is, indeed, an "active" file? That is to say that there is a fugitive on the other end of that file, that the information in that file could be utilized to exercise due diligence of apprehend that fugitive.

A: I'm sure there is an effort made to . . .

Q: What effort, if any, can you tell us was made with regard to Marc Doggett?

A: I don't know what effort was made. But I know there was no file when I got there in '85.

Q: All right. And presumably, from your communication with Williams, he told you there was a file when he left in '82.

A: Well, I didn't specifically ask him if there was a file. But I certainly assumed that there was, you know.

Q: I mean, he's creating DEA-6s . . .

[84] A: I have the stuff that he wrote that was sent to Jacksonville. But I don't have everything that he wrote that would have gone into the file there in Panama.

Q: And we don't have any way of documenting this so-called demand to expel Marc Doggett; do we?

A: Yes. It is in his DEA-6, and he recalls the letter.

Q: Does he recall what he did with the letter?

A: Well, he would have sent the letters. But then those copies would have been, and the stuff he received

would have gone into the Panama file. I wouldn't necessarily have gone into the file in headquarters or a file in any other place.

Q: When you were – or, when Williams was the resident agent in charge of the Panama office, to whom does he report state-side?

A: Well, at the time he was there, he probably reported to a regional office that was in Caracus, Venezuela. It's been changed now. And we report straight to Washington. But in the past, they had a regional officer there in Caracus. And that has been scaled down.

Q: Was any check ever made by you or others, to your knowledge, of the existence of any of these documents in the regional office in Caracus, Venezuela?

A: No. That office has been – the [85] regional office has been closed. And now there is just a much smaller one-,or two-man office there, so . . . and I know, from my own experience, an incoming letter would be stuck in the file there in Panama. But it would not be copied and sent to a headquarters' file.

Q: All right. What – when Williams was there, and maybe it was the same when you were there, where was DEA's office vis-a-vis the State Department or this consul that you've talked about? Is it in the same building?

A: No, the consul is two blocks away.

Q: And you have testified that it's typical, when an American citizen is in custody in Panama, that they communicate with the State Department; and they'll go down there and talk to them.

A: Yes.

Q: Help them out, because it's a serious situation in terms of civil rights.

A: Yes.

Q: The conditions of incarceration in Panama are horrendous, from your knowledge; are they not?

A: They're a lot tougher than they are here.

Q: And from your understanding, from being there for a period of years, that's why the State Department goes down there to see [86] people that are locked up that are American citizens; correct?

A: Yes. And that, again, is why I didn't think it was unusual for some – for an American citizen, be captured in a foreign country, to spend five or ten years or longer. It didn't seem unreasonable at all to me.

Q: Well, by the same token, you have been abroad for the DEA for years. And it's likewise not totally unbelievable that people get out in two days, two months, eight months or a year.

A: When they're US citizens, normally they serve longer than they would were they a Panamanian arrested with the same amount of drugs.

Q: Would you answer my question? You know – do you not? – from your experience, that American citizens have been released from foreign custody in less than five to ten years?

A: I know that now, as a result of having been there. But I didn't know that prior to going.

Q: Well, did you ask Williams what his experience was with regard to that?

A: We discussed it. I can't remember now what his response was. But my impression certainly was that he was going to spend a long time in jail in Panama.

Q: Well, isn't it true that the State Department, once they locate an American [87] citizen in custody in Panama, makes periodic and frequent visits to that person?

A: I know they do initially. I don't know what kind of follow-up they have and all that.

Q: Well, to your knowledge, has anybody talked to anybody from the State Department about Marc Doggett?

A: We have been trying to find a person to talk to.

Q: I'm talking about back between – during the time he was incarcerated and for the next four or five years later, when they are reporting that he is still in custody there.

A: Williams, Leonard Williams had some contact with the consul and knew that Doggett was also having contact with them. But, you know, he can't remember who – exactly who it was. He knows it was one of two people.

Q: But Doggett was known to the State Department personnel that were there at the time that Williams was there, from your conversations with Williams?

A: Yes.

Q: How about with his successor? Did he tell you that he knew?

A: No.

Q: And that would have been simply because Marc Doggett wasn't in the custody of the Panama government when Williams' successor even got there; was he? He had already been released.

[88] A: I don't know when he was released.

Q: Do you read anything in – excuse me. If I asked you to assume that . . . well, you testified that Williams left Panama in July of '82.

A: Yes.

Q: If I told you that Marc Doggett was released from custody on July 15, 1982, from the custody of the Panamanian government, would that assist you in telling us whether maybe the departure of Williams had something to do with this falling through the cracks?

A: Well, yes, I believe you when you say he left on July 15 of '82, Doggett got out. But I don't think Williams' departure had, you know, anything to do with it falling through the cracks. I don't necessarily think that anyone would have told Williams he had still been there.

Q: Okay. Now, as a matter of fact, you know that he was released on July 15, 1982, as a result of your conversations with Mr. Morris, who in turn had conversations with the State Department about documents they're looking for right now.

A: No. We learned it because you, just this morning I believe, gave Mr. Morris a copy of Doggett's passport. I haven't looked through it yet, but I've heard you refer to

this date. So I'm assuming that is the date [89] he was released from jail in Panama.

Q: Well, has Mr. Morris told you about his communication with the State Department to the effect that Marc Doggett was released on July 15, 1982, per an order of the 6th district court in Panama? In the last two or three days, has he told you that?

A: No. I didn't know that, no.

Q: So he didn't tell you either that the State Department document apparently says that Doggett's plans upon being released from the Panamanian authorities is to travel to Colombia? You didn't know that?

A: I just assumed that those were his plans, because I also assumed that he knew of the warrants in the United States.

Q: Well, let me ask you this: There is no prohibition between the DEA communicating with the State Department personnel in the country of Panama about US citizens that have warrants for their arrest, who are in the custody of the Panama authorities; is there?

A: No, there is no prohibition. And it should have been done. It should have been followed up on, but apparently it wasn't.,

Q: So if the State Department knew prior to the date of Mr. Doggett's release, there would be no legal impediment for them going [90] two blocks down the street and saying to the DEA, This fellow is getting out two days from now?

A: They may have even done it. But if they did, they didn't document it. They didn't put it in the file and they certainly didn't notify me.

Q: And my question is: You know of no legal impediment to prevent that from occurring?

A: No.

THE COURT: Or illegal impediment.

BY MR. SHEPPARD:

Q: Or any impediment?

A: No.

Q: Unless the guy can't walk two blocks. And there are phones between the DEA and the State Department up the street two blocks; are there not?

A: Yes.

Q: How big is the city where these two offices are located?

A: Panama City if (pausing) . . . it's a big city.

Q: Can you give me your estimate? You lived there for – what? – two or three years.

A: I have no idea of what the population is. People are . . .

Q: Compare it to the size of Jacksonville, if you can.

A: Geographically, it's compressed into a [91] much smaller area. But the people are living, it's like a teaming city; it looks like ants crawling all over one another. They're living on top of one another.

Q: How many Americans are associated with the State Department and the DEA?

A: It's one of the largest embassies that the United States has, because it's – the Panama Canal is there and the canal zone, and the embassy oversees the operations of the canal and the military. And so there are a couple of hundred people there.

Q: Two hundred? Do you know how many there were in 1981?

A: There would have been more. Because when I was there in '85, they were phasing out the turning of the canal over to the Panamanians. So the American presence is being scaled down.

Q: You said that somebody from the embassy told you there was no extradition treaty between – by and between the United States of America in the country of Panama. Who told you that?

A: I have had a lot of conversations about –

Q: Just list them all. My question is . . .

A: The country attache, who was the head of DEA when I was there.

Q: I need to know their names.

[92] A: Thomas Hayes. The legate, who was the FBI representative when I was there, I can't remember his name. I had just numerous conversations, because I've dealt with the – with this issue dozens of times.

Q: And this was from 1985 forward that these conversations occurred, correct?

A: Yes.

Q: And you don't know, from these conversations, what the situation was in the 1981-1982 time period; do you?

A: I only knew what I was told, that no extradition existed between – for drugs between Panama and the United States.

Q: Did you ever ask an assistant United States attorney or a legal representative of the United States of America if there was an extradition treaty?

A: Well, I've testified in probably half a dozen cases around the country that there was none.

Q: Agent Driver, you and I have talked before and . . .

THE COURT: Is your testimony that there was no treaty, or just that they didn't use extradition proceedings?

THE WITNESS: My understanding was that the treaty that existed did not cover drug offenses and that there was no provision at all to extradite US citizens from Colombia for drug offenses.

[93] THE COURT: We are talking about Panama.

THE WITNESS: From Panama back to the United States.

BY MR. SHEPPARD:

Q: Did you ever ask a lawyer for the United States of America if what you had been told by these non-lawyers was true?

A: Well, I'm trying to think if any of the people I talked to were lawyers. I dealt with so many people in the US Embassy. Most of them were just – were State Department people.

Q: I understand.

A: I don't think they were lawyers.

Q: So you have never conferred with a legal advisor for the DEA or the United States of America with regard to that, that you can recall?

A: That's true.

Q: After the visit by the North Carolina local authorities who were with the DEA task force, was any contact ever made with Marc Doggett's family again? That is, his mother or father.

A: If it was, it was done by those same officers. And I don't know.

Q: You have – you have no evidence that that ever occurred?

[94] A: That is correct.

Q: So far as your file reflects and your knowledge of this matter is that on March 24, 10-, or excuse me, in March of 1980 two people went to Marc Doggett's parents' home and he was not there. And thereafter you have

no information whatsoever that any representative of the United States of America ever recontacted those folks. Would that be accurate?

A: I don't have any information that they were recontacted.

Q: All right. Did you learn the Doggettes had lived at this location for a period of years, at that time.

A: No. I only know what is in the report.

Q: Did you learn that Mr. Doggett's father was a Ph.D. physicist and head of the physics department at the University of North Carolina at that time?

A: No.

Q: This "request for expulsion," is that – should I be putting quotes around that? Is that a legal proceeding? or is this more of an informal arrangement between Panama and US . . .

A: I think it's more informal. They just determine that the person is undesirable and they don't want them in the country, and they expel them.

[95] Q: And they can do that in two days, rather than wait until he completed his sentence: correct? –

A: They could do it whenever they choose to.

Q: Right.

A: But if they decide they want to put him in jail for violating their laws, that's their prerogative.

Q: Yes, sir. At the same time, during your experience in Panama, you were able to prevail on Panamanian

authorities on a time or two, if not more, to immediately expel someone who you had a warrant for, so you could get them into the United States and save them the expense of incarceration.

A: Yes. But oftentimes, or most times, these people hadn't broken a law in Panama. They were just a fugitive from the United States.

Q: Most times. But there were times when they had done both?

A: Yes.

Q: Could I see Exhibit 6, please?

A: (Witness tendering document.)

Q: Thank you. Exhibit 6 is a DEA-6 prepared by yourself, I believe, on . . .

A: April 26, 1983.

Q: '83, okay. And that refers to the information you received – does it not? – on September 21, 1981.

[96] A: Yes.

Q: And I didn't – I think that you were asked why the gap, or you made a comment about why a year and nine months between learning something and then writing a report about it.

A: Well, we're supposed to write the reports at regular intervals. But we don't always do it. Some supervisors require it and some don't. And I think I had just gotten a new supervisor, and he required it. And that's why I wrote it.

Q: Were you writing from other notes? or from memory? or what?

A: I'm sure it was from the notes that I had stuck in a work file.

Q: With regard to anything that has happened to Marc Doggett since – well, strike that. What is the last physical thing that you, on behalf of the United States, did to effect the apprehension of Marc Doggett? Can you pinpoint a date? That you did or caused to be done.

A: Well, it would have been this fugitive declaration prepared March 19th, 1981, that resulted in his going into – being entered into NCIC. I would assume that's the last thing, unless at some date subsequent to that I gave a list to the marshals of fugitives, or something. But I don't think I did, I [97] can't remember. I don't know. I don't know what prompted their action.

Q: Okay. "Their," referring to the '88 action of the US Marshal Service?

A: Yes.

THE COURT: When was he apprehended?

MR. SHEPPARD: September 15, 1988.

MR. DOGGETT: September 5.

MR. SHEPPARD: September 5th, I'm sorry.

THE COURT: Of 1988?

MR. SHEPPARD: '88.

THE COURT: I think something happened on November 8, 1988, that may have prompted all that work.

MR. SHEPPARD: Sir?

THE COURT: I said I think something happened on November 8, of 1988 that prompted the marshal acting, commonly called an election.

MR SHEPPARD: No, he was arrested September 5th – oh, so they . . .

MR. GLASS: It was anticipation, Judge.

THE COURT: I think if you ask the marshal, they formed task forces during the summer . . .

MR. SHEPPARD: No, I understood that.

THE COURT: . . . to show that they were out picking people up.

MR. SHEPPARD: I see what you're saying, all [98] right.

THE COURT: People in office can do things like that.

MR. SHEPPARD: Maybe they can extradite people even.

BY MR. SHEPPARD:

Q: Well, let me re-ask: In 1985 you went to Colombia.

A: Yes.

Q: And upon arriving . . .

A: Well, to Panama.

Q: Panama, I'm sorry; thank you. And when you got to Panama, this case came back to your mind somehow?

A: No, it had been on my mind. I mean, I had to do these periodic status reports. And I don't recall, but I may have called Panama and said, you know, Can you check on this guy? And probably they told me no, for one reason or another.

Q: Well, you don't . . .

A: So one of the first things I did when I got there was to check to see if he was still in jail and to see you know, Hey, why don't we get him out and send him back, see if I can further this case, see if he knows where Ortiz and Moreno were.

So that's one of the first things I did was check. And I found out he had been long [99] gone, but nobody knew exactly when.

Q: What, if anything, did you do as a result of that action in 1985?

A: I don't remember if I wrote something to this file. I don't see anything in the file, so apparently I didn't. But I should have written something to this file.

Q: But there is nothing in it; is there?

A: No.

Q: And you have no recollection of communicating with anybody anywhere about it? I mean, it is one of those things you learn and you move onto something fresher, I reckon; would that be accurate?

A: I don't remember what I did, if anything.

Q: And that is because of the passage of time that your memory has faded; would that be accurate?

A: Yes.

Q: This information you received from Jerry Smith who, I believe you testified, was the head of the NCIC headquarters . . .

A: I don't know if he's the head of it or not. He works there.

Q: He is in there, I'm sorry. He says that it is possible to query all 50 states, and this is a recent innovation, to determine driver's license information.

A: Well, he says it's possible. I don't [100] know if it's a recent innovation or not.

Q: I thought he had said it was recent, okay. You said that he discouraged it except for – he discouraged it as to routine matters.

A: Yes.

Q: Is looking for a fugitive to give him his constitutional right to a speedy trial a routine matter?

A: Checking for fugitives – in this case, I believe it would have been a routine matter. I believe that Doggett was living out of the country and that he was intentionally avoiding coming back to the United States.

Q: But, admittedly, you didn't check with the State Department people when you got to Panama to learn what they are now telling us that they knew he was released and when he was going to be released.

A: No, I didn't because my conversations with the Panamanian authorities led me to believe that he was released without their even knowing that he was going to be released.

Q: Now, in this investigation, your undercover investigation that you referred to, you have testified, I believe, that the activities were investigated from from November of '79, through January '80.

A: Yes.

[101] Q: The indictment alleges a conspiracy from August of '79. Could you be – were you involved only from November? or could you have been off for a few months?

A: The informant was originally approached by Fabio Moreno to get into this operation and was – the informant was living in the United States and was flown down to Colombia in August of '79, and asked to participate in this smuggling operation.

And he came back to the United States and thought it over for a long time, trying to decide whether to do it or not. He met Doggett and some of the other people and tried to – before he decided not to enter it and to come work with me.

Q: So you actually did come in after he had been investigated?

A: I got involved in November.

Q: Okay.

A: And that's when the investigation started. But he had been trying to decide whether to get involved in the conspiracy or help law enforcement for several months.

Q: So from August until September – I mean, August until November, it was the activities of the confidential informant, now known to us from reading the Bate sheets or the law books, is Ivan Cifuentes; correct?

A: Yes.

Q: And it's about – the matters and things [102] that occurred from August until November, before you got in it, are still part of the charges that Marc Doggett is expected to defend; correct?

A: Yes.

Q: Where is Ivan Cifuentes?

A: He was put in the Witness Protection Program.

Q: When is the last time that you knew of his whereabouts?

A: I met him, I went out to California on another case this past summer. And I ran into him out there. And we spent a couple of hours together.

Q: That is the summer of '88?

A: Yes.

Q: And since September of '88, has Ivan Cifuentes been looked for by the authorities.

A: Not to my knowledge.

Q: Okay. So insofar as we sit here now, he is missing in action?

A: Yes.

Q: And during the course of this investigation numerous tape-recorded conversations between and among the confidential informant, yourself and the co-defendants were created; correct?

[103] A: Yes.

Q: Seventeen in number?

A: I believe so, yes.

Q: And where are those 17 tape-recorded tapes, as we sit here now?

A: They're also missing in action; they're lost.

Q: It would be accurate for me to assume – would it not? – that due diligence has been exercised in trying to locate the tape and Ivan Cifuentes?

A: Yes. But I haven't given up on locating Cifuentes. I think we will find him soon.

THE COURT: I thought you said he was in the Witness Protection Program.

THE WITNESS: He was. And he withdrew from the program, but he was still maintaining contact with the Marshal Service. And they seem to think that they'll be able to find him. And he tried to contact me and Jerry Carr, the other agent that was involved in this case with me. And that's where I ran into him, was in Jerry Carr's office, so . . .

Q: Agent Carr is formerly with the Jacksonville office?

A: Yes.

Q: And he is now located where?

A: Santa Barbara, California.

Q: You testified about the various [104] capabilities of the NCIC computer and its inability to accurately perform if there are – a middle initial is off, I believe you used as an example, or a digit in a birth date, or what you have.

A: Yes.

Q: But yet you don't have access to an NCIC computer: do you?

A: We can tap into it through the NADDIS computer. We can't put things in it, but we can get things out of it. So we can check to see if somebody is wanted through NCIC, through our other computer.

Q: All right. But it is not something where you sit at a keyboard and do that on a routine basis; is it?

A: No.

* * *

CROSS-EXAMINATION (Continued)

[109] BY MR. SHEPPARD:

Q: Looking at the exhibits, can you tell me the date that the North Carolina authorities went to Doggett's parents' home?

[110] A: On March 14, 1980 – no. March 18, 1980.

Q: And they learned that he had left his parental home four days prior?

A: Yes.

Q: And other than the DEA policy – well, strike that. There were arrests made in this case on the 22nd of February; correct?

A: Yes.

Q: The indictment was public knowledge at that point?

A: Yes.

Q: Is there any reason why no one went – well, you had learned of Marc Doggett's parental home from his investigation – correct? – and where he was from.

A: No. I had gone to North Carolina and I met him in an undercover capacity.

Q: In Raleigh, North Carolina?

A: Yes. And there was a surveillance. But he was not living with his parents at the time; he was living in an apartment. So when the agents went back to arrest him, I would assume they went to that apartment first, couldn't find him and then started making efforts to locate him through his family.

Q: All right. But you had his driver's license in your possession prior to the indictment; didn't you?

A: Yes.

[111] Q: And it had his regular name and address on it?

A: Yes.

Q: In Raleigh, North Carolina?

A: Yes.

Q: Was there any reason why you delayed – why there was a delay from the 22nd of February until the 18th of March to go to the last known location of this fugitive?

A: Just, there was the – I don't know what I was doing in the interim, no. But this was the first time I was able to coordinate it and get the North Carolina authorities to go arrest him and to get everything happening. I don't know what caused the delay, but I'm sure it was either something I was doing or something . . .

Q: Let's not speculate. If you don't know, you don't know.

A: . . . or something North Carolina was doing. They don't just drop everything when I call.

Q: Well, when did you call them?

A: I don't remember. I was coordinating with them from October '79 on; I had numerous telephone calls with them. They knew of the investigation, and they were looking at Doggett and these activities in North Carolina as a result of my investigation.

Q: And that was because two other [112] co-defendants, that have been tried and convicted, Barnes and Riddle, were from Raleigh, North Carolina, also?

A: Yes.

Q: And it would be true – would it not? – that not only the DEA task force, but the DEA resident office in

Raleigh, North Carolina, had been an active participant in this investigation for a period of from October of '79 until February of '82 – I mean, '80.

A: Well, what we're talking about is the DEA office out of Wilmington, but they work with these state local officers in Raleigh, who actually went by to do the arrests. There is no DEA office in Raleigh.

Q: How far is Wilmington? Right down the road; isn't it?

A: No, no. It's probably at least 100 miles.

Q: All right. Do they have a US Marshal Service in Raleigh, North Carolina?

A: I don't know. Probably.

Q: There is a federal courthouse there; is there not?

A: I believe there is, yes.

* * *

RE-CROSS EXAMINATION

[122] Q: Agent Driver, who was the agent in the Jacksonville office that this file was turned over to after your departure?

A: I don't know.

Q: You now have the DEA file relative to Marc Doggett; do you not?

A: Yes.

Q: And that would be the file that was turned over to whomever; correct?

A: Yes.

Q: And there is no activity reflected by a review of that file after your departure – was there? – until September of '88.

A: Sheila Smith wrote some status reports. And as a matter of fact, she was contacted in 1987 by our office in Santa Domingo. And they requested information on Luis Ortiz because they believed that he was living there.

Q: I'm talking about as it relates to Doggett, I'm sorry.

A: Oh, okay. Well, Sheila Smith and Greg Thrash subsequent to that. So I believe it's been – it first went to Sheila Smith and then to Greg Thrash.

Q: But there is no indication of any activity as it relates to Doggett since your departure, [123] from your review of that file, until his apprehension on September 5th of '88?

A: Well, all of the reports subsequent to my leaving make reference only to Moreno and Ortiz; whereas, prior to that they also included Doggett. So I had to telephone and tell them that Doggett was out of jail, otherwise he would have been included as – but I don't see anything saying that he is out of jail in Panama and believed to be in (pausing) . . . so there is nothing further about Doggett at all. The file only refers to Ortiz and Moreno.

* * *

DIRECT EXAMINATION

[164] BY MR. SHEPPARD:

Q: Agent Driver, over the noon recess I was looking at a document. I want to refer you to Government's Exhibit 1. You had heretofore identified that; had you not?

A: Yes.

Q: What was – what do you recall you identified it as being?

A: It's a message put in the computer that was put in – well, I didn't actually do it, but I was there when it was put in, at the Customs office. And it goes to all Custom Service, INTERPOL, EPIC; and it puts Marc [165] Doggett on lookout as possibly going to be coming back into the United States, aboard an Eastern flight, carrying cocaine.

Q: All right. Now, stapled to that exhibit were two other documents – were there not? – that were not introduced, that are of the same ilk as Exhibit 1.

A: I see the two documents. I guess they were stapled to it, I don't know.

Q: All right. They are the same type documents; are they not? Customs documents.

A: Customs printout, yes.

Q: All right. Now, with regard to the last two . . .

MR. SHEPPARD: Which I would ask be introduced as Doggett Exhibit . . .

THE COURT: F.

MR. SHEPPARD: . . . F, and I'll make it a composite exhibit.

BY MR. SHEPPARD:

Q: . . . is it not true that those two documents are a request for the United States Office of Investigations of the US Customs Service to do a secondary search of Marc Gilbert Doggett if he comes through Customs?

A: Yes.

Q: And is it not also true that those two documents reflect that that request for a [166] secondary search of Doggett, who was known to be out of the country, if he came back into the country, were cancelled in 1980?

A: Cancelled in 1980?

Q: Yes, sir (indicating document to witness).

A: It says, Cancel date May 2, 1980. I don't know if they have an automatic date they cancel out of. But I certainly didn't give them that date to cancel it.

Q: The second – the second document reflects a cancel date of what?

A: September 19, 1980.

Q: Now, what is the secondary search?

A: It's when they're taken aside and really searched.

Q: And they pick that up from your passport that you present when you come through Customs?

A: Or unless they're put on lookout, like this. Yeah, they pick up the name from the passport; and then they're pulled out of line and taken someplace and searched.

Q: All right. And apparently you had requested Customs Patrol Officer Bob Harrell to – to make this computer . . .

A: Yes.

Q: . . . entry. And it would appear – would it not? – that the request – insofar as the documents are concerned, the request for the secondary search terminated in September – the last one was September of 1980?

A: Yes.

* * *

REBUTTAL

[241] BY MR. MORRIS:

Q: Agent Driver, did you, this afternoon, have a conversation with Mr. Henderson, legal counsel with the State Department?

A: Yes.

Q: And did he read to you, over the phone, a couple of cables which he apparently had wired or faxed to us since that time?

A: Yes.

Q: I'd show the agent Exhibit No. 9. Is that the – did those appear to be the cables that he read to you over the phone?

A: Yes.

MR. MORRIS: Any objection to admitting No. 9 into evidence?

MR. SHEPPARD: No. I'd move it into evidence.

THE COURT: No. 9, any objections?

MR. GLASS: No, sir.

THE COURT: No. 9 will be admitted. But it's a Government's exhibit, not a defendant's exhibit.

MR. SHEPPARD: The defendant adopts it.

(Government's Exhibit No. 9 received in evidence.)

[242] BY MR. MORRIS:

Q: Agent Driver, I guess the one – there's two cables there. Read the one on top first and, if you will, just the part marked Format Update – or, pardon me . . . which one do you have on top?

A: The subject's arrest release of Marc Doggett. That's on top.

Q: All right. And aside from apparently some standard format, as far as who it's to and from, et cetera, is there a section called format update?

A: Yes.

Q: And what does it say in that section?

A: Number one, it's referring to Paragraph 10 of some previous correspondence. It says (referring to document): Marc Doggett was released from jail on July 15, by order of 6th district court.

Q: What does Paragraph 2 say?

A: Paragraph 2 . . .

THE COURT: That was '81? or '82?

THE WITNESS: '82. Paragraph 2, it says (referring to document): Para 21 – meaning, referring to Paragraph 21 of some previous teletype – Doggett informed "Con-Off" that he plans to travel to Colombia. No further action contemplated in this case. Signed Blake.

* * *

[130] RALPH D. CARR, having been produced and first duly sworn as a witness on behalf of the Government, then testified as follows:

DIRECT EXAMINATION

[133] BY MR. MORRIS:

Q: With regard to this warrant, if you had run accross Mr. Doggett or Mr. Ortiz you would have arrested them?

A: That's correct.

Q: Did you make any active search for them at any time?

A: No. The only thing that we have done [134] since I took over the fugitive section, periodically we would purge the warrants and contact the agencies that were responsible for the warrants to make sure they were in NCIC, or if we ran them in the comptuer and found out they weren't in NCIC they asked why they're not.

If the case becomes an older case, to check with the US Attorney's Office to see if they want to proceed, or with the responsible agency to see if they're still going to proceed. And if they're not, see if we can get the case either dismissed or the warrant withdrawn.

Q: Those activities, then, are making sure your warrant files are still current?

A: That's correct. But there are times that we do work the warrants when our other cases are at a lull.

Q: And how do you go about doing that?

A: We'd contact the agencies to see if they have any problem with us working the warrant.

Q: In this case, in either one of these cases, Mr. Ortiz or Mr. Doggett, was that done by you or your office?

A: Not until 1988.

Q: And there was no other contact before that?

A: There was periodic contact to see if the case was still open or why they weren't in NCIC. And I think Mr. Ortiz was not in NCIC for a period of time.

Q: Are you sure it's Mr. Ortiz? or Mr. Doggett?

[135] A: Mr. Doggett was in NCIC; Mr. Ortiz I don't think we had a date – or, DEA didn't have a date of birth for awhile. At least there is a notation here there was no date of birth available. If there's no date of birth, then it can't be entered into NCIC.

Q: It can't be entered just with a name and not a date of birth?

A: That's correct; it cannot be entered.

Q: At what time did your office or the Marshals Office become an active participant in looking for these two persons? How did that develop?

A: At the beginning of September there was a program started for the Gulf Coast, from Texas to Miami, called WANT II, which is Warrant Apprehension Narcotics Teams. The Marshal Service had set up in strategic areas from Miami to Texas looking for DEA fugitives or narcotics fugitives. They didn't care if they were state or federal.

Q: Was this a follow-up to an earlier program called WANT I?

A: That's correct.

Q: And what region did WANT I concern?

A: WANT I worked the West Coast, San Francisco; even though a lot of the cases originated back into Florida.

THE COURT: Is that program still going on?

[136] THE WITNESS: WANT II is over, within the past three weeks, four weeks.

BY MR. MORRIS:

Q: And what types of investigative effort were placed in WANT II in an attempt to locate fugitives?

A: They brought in agents from different parts of the country. In this area here, we had approximately 12 people working DEA fugitives. We were assigned DEA

fugitives, for the Jacksonville area from Orlando, Tallahassee, Pensacola and Jacksonville cases, and any leads that may come up from the other areas that had satellite sights.

Q: And how was Mr. Doggett located?

A: Mr. Doggett was located through a credit check.

Q: Do you know offhand whose agency was – who the credit check was with?

A: One of the deputies that worked on the team was out of the Savannah office; and his office has a credit machine in the office itself. So as a routine, when we started up the operation, we wanted to see what was available to us, so we'd run the name automatically through and get a credit check on them and see if there was any kind of activity on their credit. And in Mr. Doggett's case, there was.

Q: Jacksonville does not have such a machine?

A: We have an area – we don't have a machine in the office, no. We have a Credit Bureau that we can go to and pay each time we check, make a credit check, on a person. It's not done on a routine . . .

Q: Is that a practice you normally use on a person if you don't know where they're living?

A: It's not done on a routine; we do it periodically. Basically, when you're working on a fugitive warrant, you're flying by the seat of your pants. You look to see what other agencies have done; and whatever ideas you come up with, you just try anything you can to try to get ahold of the person.

Q: And that credit check is what eventually led to locating Mr. Doggett in Virginia?

A: That is correct.

Q: And you had other marshals make the arrest in Virginia?

A: That is correct. The lead was sent back to El Paso, Texas, where the headquarters was. And headquarters in El Paso and EPIC Center had sent the lead to Virginia to effect the arrest. I think a driver's license check was done on him, also, within a three-, or four range state.

Q: After the credit check?

A: That's correct.

Q: Prior to that, you had no information Mr. Doggett was living in Virginia?

[138] A: That's correct. Looking through the file, the only information was that at one time he was in custody in Panama.

* * *

CROSS-EXAMINATION

[142] BY MR. SHEPPARD:

[143] Q: When did WANT II start?

A: September 1988.

Q: What day in September, if you know?

A: I'm not sure. I think it was around the 1st.

Q: The lst. Marc Doggett was arrested five days later?

A: That's correct.

Q: And what it really took was going to a commercial Credit Bureau computer terminal and plugging his name into it?

A: That's what it took for Mr. Doggett. It took a lot . . .

Q: That is all I'm asking about is Doggett.

A: That's correct.

Q: And that took . . . what? How long did it take to get that piece of paper back out of the computer?

A: We probably had the information within an hour.

Q: And that information gave you his street address of his home?

A: I don't know if it gave the street address or not.

Q: Well, didn't it give you a street address that he was residing, at 11031 Thrush Ridge Road, in Reston, Virginia?

A: I don't know if the credit check gave it or the driver's license check give it. I'm not sure.

[144] Q: All right. And you learned what his driver's license was. A valid driver's license in the name Marc Gilbert Doggett . . .

A: That's correct.

Q: . . . in the State of Virginia. You learned where he worked; you learned the make and tag number of his vehicle.

A: Correct.

Q: And you learned who his wife was.

A: Correct.

Q: Delores. You learned where he worked?

A: Correct.

Q: And you did that in 30 minutes?

A: I don't know if that was all done in – the credit check was done in 30 minutes. If it came back on the credit check, yes.

Q: All right. Well, do you have the credit check?

A: No.

Q: Who does?

A: Probably Savannah; they run the check. And they gave us the information over the phone.

Q: And then you type up this document that's been transmitted to . . .

A: Whoever worked the case, yes.

Q: . . . to El Paso?

[145] A: That's correct.

Q: And, indeed, agents were then dispatched by El Paso headquarters to Reston, Virginia?

A: Well, El Paso sent the teletype to Virginia. And the photograph was sent up – an old photograph, I think it was off of an old North Carolina driver's license, was sent up to Virginia.

Q: Now, from February 22, '80, until September 1st, '88, what activity occurred as it relates to Doggett by your office, your agency?

A: Basically just checking to see if the case was still active.

Q: Who did you check with? when?

A: DEA.

Q: Who? Who checked? when and where? What did you find out?

A: (Witness perusing documents). In 1982, I checked. Notified by INTERPOL that subject was arrested in the country of Panama for possession of narcotics.

Q: Who did you learn that from?

A: Huh?

Q: Who did you learn that from?

A: INTERPOL.

Q: Can I look over your shoulder?

A: Sure.

[146] Q: Now, what is INTERPOL?

A: INTERPOL is an agency out of Paris, France, that is basically an international police force, as far as ahead. Different law enforcement agencies in different countries

input information into INTERPOL. And INTERPOL disseminates it to those law enforcement agencies inquiring about it. So it came from the State Department basically.

Q: And that was some – approximately two years to the day, less four days, from the time you got the warrant that that first check was made?

A: Uh-huh.

Q: And you didn't check with DEA; you checked with INTERPOL?

A: I was – no. I was notified, notified by INTERPOL.

Q: All right. Now, INTERPOL would know of this interest of your agency by virtue of . . . what?

A: The – the NCIC entry would show the agency that put it in, which would be DEA. But it also shows the agency that's holding the warrant.

Q: Which you were the custodian of?

A: That's right, that's correct.

Q: So this international police force would have had the information about the warrant for Marc Doggett whenever he was put into NCIC?

[147] A: That's correct. They pull – they can purge that information. The state people can purge it also.

Q: Okay. What next did you do, or your agency?

A: The same day, I requested a copy from Panama from DEA – a copy of the report to Panama from DEA that subject be expelled from the country.

Q: Well, how did you learn that that was even in existence?

A: Well, I contacted DEA after . . .

Q: Okay. Who did you contact?

A: I didn't put the name down. I just contacted the agency.

Q: Okay. They told you about this information?

A: Then they told me, yes, they had the same information that I had.

Q: Right. Did you ever get that item that you requested?

A: No, no.

Q: That was the item – the expulsion request?

A: That's correct. 1986, the handwriting looks like Dick Fisher's. There's nothing to report; it's status quo as far as is concerned on that.

Q: All right. What else do you have in your file on Doggett?

A: Photographs, fingerprints of his last arrest.

Q: That was from the 9/05/88 arrest?

[148] A: That's correct. And a 129, which is a copy of the booking sheet from the Marshals Service in Virginia.

Q: On this arrest, 9/05?

A: On this arrest, right. There also is a copy of his personal history.

Q: 9/05/88?

A: That's correct. A request to WANT headquarters to have a credit check done on him.

* * *

[193] DELORES DOGGETT, [194] having been produced and first duly sworn as a witness on behalf of Defendant Doggett, then testified as follows:

DIRECT EXAMINATION

BY MR. SHEPPARD:

Q: And what is your address, Mrs. Doggett?

A: 11031 Thrush Ridge Road, Reston, Virginia.

Q: And with whom do you live at that residence?

A: Marc Doggett.

Q: When did you meet Marc Doggett?

A: I met Marc in the fall of '82, October or November.

Q: Of 1982?

A: Uh-huh.

Q: And where was that?

A: In Pittsburgh.

Q: And at that time where did Marc live, if you know?

A: He lived in North Carolina.

Q: With whom?

A: I think his grandmother is who he lived with.

Q: Could you speak up? It is hard to hear you.

A: I think his grandmother.

Q: Did – after you met Marc in the fall of '82, could you describe your relationship? Were you boyfriend/girlfriend?

A: Uh-huh. Oh, yeah. I mean, we started dating right away, as soon as I met him.

Q: As soon as you met?

[195] A: Right, as soon as we met. And it was, you know, it was hard because he lived in Raleigh. So then, you know, just one thing lead to another and we – we got married. We moved to Virginia and we got married.

Q: When did you get married?

A: We got married in October; October 22nd, 1983.

Q: '83?

A: Uh-huh.

Q: Do you recall when you met Mrs. Doggett, who just came off the witness stand?

A: Uh-huh.

Q: When?

A: It was about two weeks after that.

Q: After you got married?

A: Uh-huh.

Q: And you indicated that you all had moved to Reston, Virginia, prior to your marriage.

A: Right.

Q: And I kind of read in your answer that that may have been because it was . . .

A: We moved to Reston. Marc wanted to move to Raleigh; he wanted to live in Raleigh. We knew we were going to get married. He wanted to move to Raleigh; I didn't want to move there because, you know, I didn't know [196] anybody there.

My sister lived in Virginia. And it was halfway between Pittsburgh and Raleigh; it was the perfect place. So that's where we decided to move, to Virginia.

Q: And when you moved to Reston, where did you first reside?

A: Sycamore Apartments. We lived there for a year – from October '83 to February '84. And in February, we bought a townhouse.

Q: Bought a townhouse?

A: Bought a townhouse in Reston, lived there from February '84 to February '87, where we bought another townhouse in Reston. And we just moved there last February.

Q: Sold the other one and . . .

A: Right.

Q: . . . moved to a different place? Now, when you bought your first house – a townhouse is like buying a house, I guess?

A: Yeah.

Q: How did you – did you take title to that? Do you understand what I mean by take title?

A: Whose name was it in?

Q: Yes.

[197] A: Both of course, my name and Marc's name.

Q: How have you known – what do you know Marc by?

A: Marc, Marc Gilbert Doggett.

Q: Have you ever known him by any other name?

A: No.

Q: Have you ever known him to use any other name?

A: No.

Q: And you bought this first house in '8- . . .

A: 198-, well, '83, we applied for the, you know, the loan and everything. But we moved in there in February of '84 – or February '85.

Q: All right. And then you moved from there in '87, to your new house?

A: Right.

Q: How did you take title to your new house?

A: Same way. Both names, Marc and Delores Doggett.

Q: And during this period of time, what was Marc doing? From the time you married him forward.

A: When we first got married, Marc was going to school.

Q: Where?

A: At NOVA, Northern Virginia Community College.

Q: And how was he enrolled there?

A: As Marc Doggett.

Q: All right.

[198] A: And then we needed more money, so he got a job. He worked – he went to school in the day and worked at night.

Q: Where did he work?

A: He worked at George Mason. First he worked at the Army Times, the Times Journal or Army Times, whatever it is. He worked there for a while in the night. Then he got a job with George Mason in the night, and worked there for a while.

Q: What is George Mason?

A: George Mason University. He was computer operations manager.

Q: What was he – what course of study was he pursuing when he was going to school?

A: Computers.

Q: And these jobs that he had, what area were they in?

A: They were all related to computers.

Q: And when he worked at George Mason and for the Army Times, what name did he use?

A: Marc Doggett.

Q: And after he worked at George Mason part-time at night, he was going to school at Northern Virginia, what next occurred?

A: He started working for Advantage Courier.

Q: For what?

[199] A: Advantage Courier. They're a courier service in Herndon, Virginia. And he went from – worked full-time, he started full-time. So then he took classes in the night and worked full-time. He went from working full-time at night to full-time at day – in the day; it switched around. So he was still going to school and working.

Q: And when he worked at that job, what name did he use?

A: Marc Doggett.

Q: And then what – what next became of his spare time, or his time?

A: He doesn't really have spare time. He – Marc has always had two jobs. I mean, he's always – he started working at Advantage and he'd go to school. I don't mean two jobs, I mean he's always had a lot of stuff going on.

He was taking classes. He was working in the day, taking classes at night; then he started working – he was

taking one or two courses. And he started working for National Glass Association. But he worked for Advantage Courier as – like, he and his father worked for them as consultants. And he worked with Advantage part-time. So he's always, you know, he's always been busy. He [200] doesn't have very much spare time.

Q: Who does he work for now?

A: NGA.

Q: National Glass Association?

A: National Glass Association.

Q: What does he do there?

A: He's a computer – manager of computer operations.

Q: So I take it he has worked there for a period of years?

A: A year, one year.

Q: All right. And when did he stop working for Advantage?

A: He stopped working for Advantage just – you mean full-time or . . .

Q: At any – for five minutes.

A: Last week. Or, Friday was his last day at Advantage.

Q: Does he still attend school?

A: No, he hasn't.

Q: Did he complete any course of study?

A: Yes.

Q: What?

A: He got his degree in general studies. His Associates Degree, I'm sorry, in general studies.

Q: Now, during this period of time since '83, have you worked?

[201] A: Yes.

Q: And what has been your work?

A: When we first moved to Virginia, I worked for an executive search firm for a year. And then I got a job, in 1984, with BDM Corporation as administrative assistant to the vice-president in control. And I've worked – I work there now.

Q: And what level of education do you have?

A: Two years. I have an Associates Degree in executive secretarial courses.

Q: Have you – would you describe your living habits with Marc since you moved to Reston, Virginia, in 19- . . .

A: '83.

Q: . . . -83, as being open and above-board, in terms of living like regular Americans? Or would you describe his life style as that of someone who is concealing their identity?

A: Oh, no. No, I mean, Marc and I have no secrets. He's not concealing his identity at all; he has – he's never been, as long as he's lived with me.

Q: In terms of the rest of the world.

A: Right, exactly. Never.

Q: And when did you lean that Marc Doggett was a fugitive?

A: September 5th, 1988, when they – when [202] the marshals arrested him.

Q: It is your testimony that at no time during the six-year period that you've known Marc Doggett that he has ever said one word to you about having any knowledge that he was wanted by any law enforcement agency?

A: That is correct.

Q: You heard your mother-in-law testify that she had had a conversation with you after that . . .

A: Uh-huh.

Q: . . . about this earlier inquiry, eight years prior, by law enforcement?

A: Right, she did.

Q: When she told you that, did she indicate to you that this was – kind of had been her secret?

A: She told me that she never told anybody. She was the only one that knew and she just never – she didn't tell Marc because she thought he would never come back into the country, at first.

Then, when she finally – when she talked to him when he was in Panama, he was in such a bad way she didn't want to make him any more depressed than what he was. So she didn't tell him then. And she told me that she told priests or nuns, and that was it. But nobody in the family ever knew.

Q: Have you all attended church there in Reston?

[203] A: Yes.

Q: Where do you go?

A: St. John Newman.

Q: And how is Marc known at the church?

A: We were married there.

Q: By what name?

A: Oh, by Marc Doggett. By Marc Doggett.

Q: And does he attend frequently?

A: Yeah, we go every Sunday.

Q: And, to your knowledge, is Marc a registered voter in Virginia?

A: Yes, he is.

Q: Have you gone to the voting booth with him?

A: Right. We voted in '84, and just in '88.

Q: And what does his voter registration card reflect his name to be?

A: Marc Gilbert Doggett.

Q: And, to your knowledge, has Marc Doggett had a driver's license in the State of Virginia?

A: He got it in November of 1983.

Q: And has had it since?

A: Yes.

Q: So far as you know.

A: Yes.

Q: You've seen it?

[204] A: Oh, yes.

Q: You live with him.

A: Yes.

Q: You see it on the dresser every morning.

A: I've seen it in his wallet, yeah.

Q: And he has also told you he has gotten some tickets; hadn't he?

A: Oh, yeah. Uh-huh.

Q: Do you recall how many tickets he's told you he's gotten?

A: I think he has gotten three tickets.

Q: And what name did he get those tickets in, if you know?

A: Marc Gilbert Doggett.

Q: And, to your knowledge, has he had any other confrontations with the law other than these three traffic tickets?

A: No, never.

Q: Do you all – or, does Marc have credit cards in his name?

A: Yes.

Q: A bunch of them?

A: A lot, yeah.

Q: Amoco?

A: Yes.

[205] Q: Choice Visa?

A: Yes.

Q: Mobile?

A: Yes.

Q: Chevron?

A: Yes.

Q: Giant Food?

A: Yes.

Q: Radio Shack?

A: Yes.

Q: Insiders Hot-Line?

A: Yes.

Q: Express Bank Card?

A: Yes.

Q: Would it be accurate for me to assume that you all utilize credit cards as a method by which you purchase items?

A: Right, correct.

Q: And both of your homes were financed with a bank?

A: Right.

Q: Now, during this period of time, have you all filed income tax returns?

A: Yes.

Q: And have you filed them jointly?

A: Yes.

[206] Q: Let me hand you what I would ask to be marked as Doggett Exhibit G, which I would ask . . .

MR. SHEPPARD: Judge, this is a composite exhibit, if you will. And let me, Mrs. Doggett, ask you to tell the Court . . .

THE COURT: Let them get introduced first.

MR. SHEPPARD: Yeah, I'm sorry.

MR. MORRIS: I have no objection.

THE COURT: G will be admitted.

(Defendants' Exhibit G received in evidence.)

BY MR. SHEPPARD:

Q: Is this your 1983 tax return (tendering)?

A: Yes, it is.

Q: And is that your signature?

A: Yes.

Q: Is that Marc Doggett's signature?

A: Yes.

Q: And the next document, coming from the bottom, is that your 1984 tax return?

A: Yes.

Q: And are those both of your signatures?

A: Yes.

Q: And the next document from the bottom, is it not your 1985 tax return?

A: (Witness pausing.)

[207] Q: Is it?

A: Yes, it is.

Q: And are those your signatures (perusing document)?

A: Here (indicating).

Q: That's '86. I don't see your signatures on your '85 return. Would you review that and tell me if it appears to be your 1985 tax return?

A: (Witness complying.) Yes, it is. But I don't see signatures.

Q: And the next document from the bottom, does that appear to be your 1986 tax return?

A: Yes.

Q: And are those your signatures?

A: Yes.

Q: Both you and Marc?

A: Yes.

Q: And the last document, the top document, is this your 1987 tax return and are those your signatures?

A: Yes.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA

vs.

MARC GILBERT DOGGETT
11031 Thrush Road
Reston, VA 22091

SSN 242-96-6211

(Name and Address of Defendant)

JUDGMENT IN A CRIMINAL CASE

Case Number
80-11-Cr-J-16

Filed March 31, 1989

William J. Sheppard
Attorney for Defendant

THE DEFENDANT ENTERED A PLEA OF:

[x] guilty [ ] nolo contendere] as to count(s) ONE (1) of the Indictment, and [ ] not guilty as to count(s) _____

THERE WAS A:

[[x] finding [ ] verdict] of guilty as to counts 1 of the Indictment

THERE WAS A:

[[ ] finding [ ] verdict] of not guilty as to count(s) ___ .

[ ] judgment of acquittal as to count(s) _____.

The defendant is acquitted and discharged as to this/these count(s).

THE DEFENDANT IS CONVICTED OF THE OFFENSE(S) OF: conspiracy to import into the United States a quantity of cocaine, a Schedule II controlled substance; in

violation of T. 21, U.S.C., Section 963, as charged in count I of the Indictment.

(OFFENSE DATES: on or about August 1979 through January 1, 1980)

IT IS THE JUDGMENT OF THIS COURT THAT: the imposition of sentence is hereby suspended and the defendant is placed on probation for a period of THREE (3) YEARS, upon the standing conditions of probation of this Court.

IT IS FURTHER ADJUDGED that defendant pay a fine to the United States in the sum of $1,000.00, to be paid immediately.

In addition to any conditions of probation imposed above, IT IS ORDERED that the conditions of probation set out on the reverse of this judgment are imposed.

No. 80-11-Cr-J-16 USA v. MARC GILBERT DOGGETT

CONDITIONS OF PROBATION

Where probation has been ordered the defendant shall:

(1) refrain from violation of any law (federal, state, and local) and get in touch immediately with your probation officer if arrested or questioned by a law-enforcement officer;

(2) associate only with law-abiding persons and maintain reasonable hours;

(3) work regularly at a lawful occupation and support your legal dependents, if any, to the best of your ability. When out of work notify your probation officer at once, and consult him prior to job changes;

(4) not leave the judicial district without permission of the probation officer;

(5) notify your probation officer immediately of any changes in your place of residence;

(6) follow the probation officer's instructions and reports as directed.

The court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within the maximum probation period of 5 years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

IT IS FURTHER ORDERED that the defendant shall pay a total special assessment of $ N/A pursuant to Title 18, U.S.C. Section 3013 for count(s) as follows:

IT IS FURTHER ORDERED THAT count TWO (2) of the Indictment is DISMISSED on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall pay to the United States attorney for this district any amount imposed as a fine, restitution or special assessment. The defendant shall pay to the clerk of the court any amount imposed as a cost of prosecution. Until all fines, restitution, special assessments and costs are fully paid, the defendant shall immediately notify the United States attorney for this district of any change in name and address.

IT IS FURTHER ORDERED that the clerk of the court deliver a certified copy of this judgment to the United States marshal of this district.

xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

March 31, 1989
Date of Imposition of Sentence

/s/ _____
Signature of Judicial Officer
JOHN H. MOORE II, UNITED STATES DISTRICT JUDGE
Name and Title of Judicial Officer

March 31, 1989
Date

RETURN

I have executed this Judgment as follows:

_____

_____

_____

Defendant delivered on _____ to _____ at _____,
Date

the institution designated by the Attorney General, with a certified copy of this Judgment in a Criminal Case.

_____
United States Marshal

By _____
Deputy Marshal

_____

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D.C. 20543

February 25, 1991

Mr. Wm. J. Sheppard
Sheppard and White
215 Washington St.
Jacksonville, Fl 32202

Re: Marc Gilbert Doggett
v. United States
No. 90-857

Dear Mr. Sheppard:

The Court today entered the following order in the above entitled case:

the petition for a writ of certiorari is granted.

Very truly yours,
William K. Suter, Clerk